
Class No 34.75

[illegible]



FINAL REPORT
OF THE
Riot Inquiry Committee

RANGOON
SUPDT., GOVT PRINTING AND STATIONERY, BURMA
1939

LIST OF AGENTS FOR THE SALE OF GOVERNMENT PUBLICATIONS.

IN BURMA

AMERICAN BAPTIST MISSION PRESS, Rangoon
BRITISH BURMA PRESS BRANCH Rangoon
BURMA BOOK CLUB, LTD, Post Box No 1068, Rangoon
CITY BOOK CLUB, No 98 Phayie Street, Rangoon
CONTINENTAL TRADING CO., No 363 Lower Main Road Moulmein.
MAUNG LU GALE, Law Book Depôt, No. 42, Ayo-o-gale, Mandalay.
MESSRS. K. BIN HOON & SONS, Nyaunglebin.
NEW LIGHT OF BURMA PRESS, No 61, Sule Pagoda Road, Rangoon
PROPRIETOR, THU DHAMA WADI PRESS, No 16—80, Maung Khine Street
Rangoon
RANGOON TIMES PRESS, Rangoon

IN INDIA

BOOK CO, LTD, No 4/4A College Square Calcutta
BUTTERWORTH & CO (India) LTD, Calcutta
CITY BOOK CO, Post Box No 283 Madras
D B TARAPOREVALA, SOVS & CO, Bombay
HIGGINBOTHAM & Co, Madras
MESSRS SAMPSON WILLIAM & CO, Cawnpore, United Provinces
MR RAM NARAIN LAL, Proprietor, National Press Katra, Allahabad
S K LAHIRI & Co., No 56, College Street, Calcutta
THACKER, SPINK & CO (1933), Ltd, No 3 Esplanade East, Calcutta
THACKER & CO, LTD, Bombay
W NEWMAN & Co, Calcutta

IN EUROPE AND AMERICA

The publications are obtainable either direct from THE HIGH
COMMISSIONER FOR INDIA, Public Department, India House,
Aldwych, London, W C 2 or through any bookseller

●

RESOLUTION

ON THE

Final Report of the Riot Enquiry Committee

Extract from the Proceedings of the Government of Burma, Home Department,
—No 151C39, dated the 20th March 1939

READ—

Home Department Police Branch Resolution No 442C38, Part XVI, dated the 22nd September 1938 appointing a Committee to enquire into the recent riots in Burma

READ ALSO—

Letter dated the 27th February 1939, from the Secretary, Riot Enquiry Committee, forwarding the report of the Committee.

Resolution—The final report of the Committee appointed by the Governor of Burma to conduct an enquiry into the recent riots in Burma has now been submitted. It is a document of far-reaching importance for the future of Burma. The matters referred for enquiry have been fearlessly and searchingly analysed and examined; and the recommendations made are of a most valuable kind. They will receive the immediate attention of Government.

2 The Governor of Burma desires to record his profound and grateful thanks to the Hon'ble Mr Justice Braund and to the other members of the Committee for the thoroughness and care with which they have conducted their enquiry and for their most able report.

ORDERED—That the Report of the Committee be published and that a copy of this Resolution together with a copy of the Report be forwarded to the Chairman and each member of the Committee.

ORDERED ALSO—That this Resolution be published in the *Burma Gazette*

By order,

A McCracken,

*Secretary to the Government of Burma,
Home Department.*

FROM

THE RIOT ENQUIRY COMMITTEE,
RANGOON,

To

THE HON'BLE MINISTER OF HOME AFFAIRS,
RANGOON.

Dated Rangoon, the 27th February 1939.

SIR,

In its Interim Report dated the 27th December 1938, the Riot Enquiry Committee expressed its intention of delivering, if possible, its Final Report by the end of February 1939. In fulfilment of that engagement, we have the honour to deliver the accompanying report to you. We venture to express the hope that our work may prove of value.

We have, dear Home Minister,

the honour to be,

Your obedient servants,

H. B. L. BRAUND, <i>Chairman</i>	
PO HAN	
A. RAHIM	} <i>Members.</i>
KHIN MAUNG DWE	
M. A. RAUF	

CONTENTS.

INTERIM REPORT

	PAGE
CHAPTER I —Introductory	1
CHAPTER II —Reasons for dealing with underlying causes and influences separately and at once	7
CHAPTER III —Unsatisfactory conditions of tenure	11
CHAPTER IV —The influence of the Indian Question	14
CHAPTER V —The Marriage Question	28
CHAPTER VI —The Press and other political influences	33
APPENDICES I, II, III and IV	49

FINAL REPORT.

Introductory (continued)	iii
--------------------------	-----

PART I

Narrative and Incidents of the Riots in Rangoon.

CHAPTER VII —Maung Shwe Hpi's book	1
CHAPTER VIII —The meeting at the Pagoda, the procession and the Police preparations	12
CHAPTER IX —The Soortee Bara Bazaar	23
CHAPTER X —Events from the 27th of July onwards	33

PART II

Narrative and Incidents of the Riots in the Districts.

CHAPTER XI —The Myaungmya District	45
CHAPTER XII —The Maubin, Henzada, and Prome Districts	70
CHAPTER XIII —The Magwe Division (Taungdwingyi, Yenangyaung and Pakokku)	98
CHAPTER XIV —The Sagaing and Shwebo Districts	141
CHAPTER XV —The Mandalay District	163
CHAPTER XVI —The Tharrawaddy District	188
CHAPTER XVII —The Toungoo, Pegu and other Districts	208

PART III.

Summaries and Conclusions

CHAPTER XVIII —The Police	225
1 In general	ib
2 The use by the Police of firearms	237
3 Strength of the Civil and Military Police	237
4 Police training	244
5 Equipment of Civil Police	246
6 Police preparedness	247
(1) Riot schemes	ib
(2) Special Police	251
(a) Rangoon	ib
(b) The Districts	254
7 Charges against the Police	ib
8 The Criminal Investigation Department	260

INTRODUCTORY

(Continued)

In the introduction of our short interim report we have said that the introduction to this final report would be proportionately relieved by what we said there and would contain only such additions as might be necessary to bring it up to date and to complete it.

In due course we visited Shwebo, Ye U, Sagaing and Mandalay. On our return journey we visited Toungoo and Pegu and reached Rangoon again on the 11th January 1939. We then resumed our sittings at the City Hall to complete our examination of witnesses in Rangoon, to hear others from the Hanthawaddy, Pyapôn and Insein Districts and to take the evidence of certain other persons whom we had been unable to hear in the course of our tour. On the 22nd January we went to the Thariawaddy District where we examined witnesses in several places. Since then, we have been engaged in hearing the evidence of the few witnesses whom we had not been able to examine earlier and in the composition of our final report. We shall have been engaged in our investigations and in the production of our two reports for a period of just five months, during which time we have travelled no little distance and have examined a hundred and ninety-six witnesses in Rangoon and nine hundred and thirty-nine in the districts, making a total of eleven hundred and thirty-five in all.

Continuation
of the tour
and
completion
of the work.

In the introduction to our interim report⁽¹⁾ we observed that we should report upon the disturbances in Rangoon and in the districts separately and that each report would fall into certain self-contained parts. We have, however, found it impossible to adhere strictly to that arrangement. The form our final report has taken is that we have divided it into three parts. The first part deals with Rangoon and the second part with the districts. In these parts respectively we have endeavoured to give both an outline of what occurred in Rangoon and in the districts and, and at the same time, to deal *in detail* with all the relevant and major incidents and events which happened in each place whether they have led to controversy before us or not. But our accounts of the events in the districts must be regarded as supplementary to the official accounts. Our attention has necessarily had to be concentrated principally upon the more important things that happened in each place and upon those which were in some respect contentious or have given rise to difficulties. Considerations of space alone would, even if it had been necessary, have forbidden our dealing with every event and incident in each district, town and village. But at the same time, we have in each case tried to give a general view of the course which the disturbances, took in each place and, where particular incidents have struck us as of importance or have been the subjects of representations to us, our account will be found to be a good deal more detailed and comprehensive than the official report. And in some instances we have had to correct the official reports where we have found them wrong.

Arrangement
of Final
Report

⁽¹⁾ Interim Report, page 7

Firing.

In this way we have dealt in detail, as we came to them, with all the charges made against the police and against the civil authorities and have expressed our conclusions in respect of each. In particular, we have dealt with judicial thoroughness with no less than twenty-seven individual cases in which the police were charged with having committed excesses by premature, indiscriminate or unnecessary shooting. We have dealt with care, in each place where they have arisen, with the charges of illegal arrest and with many other special and general charges made against the police. It has been beyond human possibility to examine each minor allegation made against each police officer and other official and, in some cases, we have had to form a general view upon the evidence afforded us. Indeed, one of the main difficulties we have had to face has been to thread our way through the mass of detailed, and sometimes irrelevant evidence, to our destination. But to the best of our ability, we have, apart from the special representations made to us in all serious cases, examined and formed our own conclusions upon the manner in which the civil authorities and the police as a whole acquitted themselves in each place throughout the country. We have moreover, wherever we have been, endeavoured to trace the operation of the general and particular causes which, in our opinion, gave rise to the riots. It follows that, for the results of our inquiries into each particular event and incident in detail, reference must be had to our accounts contained in Parts I and II relating to the places where they occurred. We are glad to be able to record that we are not conscious in any single case of having been unable or declined to hear the evidence of any one who has expressed a desire to come before us with any information, complaint or grievance, large or small.

Part III

In Part III of this report we have endeavoured in Chapters XVIII and XIX to set out the general lessons of our enquiry in relation to our terms of reference. These chapters contain a discussion of our views in general on what the police and civil authorities did and did not do and of their failures and successes. But for the detailed particulars upon which we found these views reference must, as we have said, be had to Parts I and II. In Chapter XX of Part III, and in the Appendices related to it, we have dealt with that item of our terms of reference which relates to loss of life and property and to the desecration of religious edifices and buildings during the riots. And, finally, by Chapter XXI we have endeavoured to provide, in a convenient form, a summary of the main conclusions which we have arrived at and such of the main recommendations as we have to make.

We emphasize, however, that in order to obtain a clear view of the course which the riots followed throughout the country as a whole, it is necessary to read the whole report, not omitting the interim report which contains the background against which the whole drama was played out.

Acknowledgment.

We have to acknowledge the assistance we have received from many persons without whose help we could not in the time have accomplished the considerable task which we were set. We thank the Home Department for placing at our disposal all files bearing upon the subject matter of our enquiry and for rendering us assistance in answering the many references we have had to make to it. We also

thank the Deputy Inspector-General of Police in charge of the Criminal Investigation Department for similar assistance. To his Worship the Mayor of Rangoon and his Councillors we are much indebted for the use throughout our sittings in Rangoon of the Committee Room of the City Hall. We have received every possible assistance from all the Commissioners of Divisions and from all Deputy Commissioners whose Divisions and Districts we have visited and we thank all the civil and police officers whom we have met for the help given to us in the preparation of our programme, in marshalling our witnesses and in the discovery and the production of evidence. We cannot omit a reference to the help afforded us by Mr. M. M. Rafi, *Barrister-at-Law*, and his two juniors, Mr. Raschid and Mr. Zora Singh, for the thorough and temperate way in which they have organized and presented to us the Indian point of view in various places. We are indebted also to U Kyaw Zan and U Aye Maung and other advocates and pleaders who have appeared before us in various places to represent to us particular events and points of view. Their help has saved the Committee incalculable time. The Department of Commerce and Industries placed the steam launch "Lady Innes" at our disposal for seven or eight weeks during our tour and it is certain that without this facility, which enabled us to do much work as we travelled, we could not have completed our inquiry except with great fatigue and delay. We are, too, greatly indebted to the Burmah Oil Co., Ltd., at Yenangyaung for a variety of practical and personal kindnesses which helped in our work and gave us encouragement when we much needed it.

Within our own establishment we wish to thank our Secretary, Mr. F. S. V. Donnison, I.C.S., again for the help which he has given us, particularly in arranging the details of our tour and in the collection and compilation of the figures in the Appendices. Our Bench Clerk, Maung Ohn Shwe, has been particularly helpful to us and has done splendid work. And of our Stenographers, we have a special word for Mr. R. S. Stahlmann who, in addition to being an excellent stenographer, has never failed, in uncomfortable circumstances and at the oddest hours, to do cheerfully whatever we have asked of him.

PART I.

Narrative and Incidents of the Riots in Rangoon.

●

FINAL REPORT

OF THE

RIOT INQUIRY COMMITTEE

CHAPTER VII.

Maung Shwe Hpi's Book.

We have already, in our short introductory report, referred to Maung Shwe Hpi's book as the "occasion" of the trouble which started at the end of July. We believe that, viewed in its true perspective, the discovery of the book, or rather of the offensive passages from it which appeared in July 1938 as an Appendix to the Burmese novel "The Abode of a Nat" written by Maung Htin Baw, was no more than an occasion which was grasped by the Burmese Press and by a number of other political agencies for the purpose of bringing about a political and social explosion in Rangoon and in the rest of the country. Though, as we have endeavoured to show, dangerous and inflammable material existed or had been created in the country, we do not think that, at that stage, Maung Shwe Hpi's book played any greater part in the history of the riots than that it afforded the instrument of an evil opportunism by those who were looking for just such an opportunity. And they took it, on the spur of the moment. What it has led to since and how, once started, the whole disorder has developed on progressively organized and political lines is not at the moment our concern and we shall for the present devote ourselves to the history of the book.

Maung Shwe Hpi's book afforded the opportunity.

In the year 1931 a religious controversy arose between a Moulvi⁽¹⁾ called Hassan Shah of Mandalay and one Maung Pan Nyo of Namma Village, Myitkyina District. As the result, Maung Pan Nyo wrote a pamphlet entitled "Moulvi Yogi Sadan". The publication of this book was financed by a certain U Kha, the headman of Namma Village, and his family. It was printed at the National Press, Mandalay. The book purports to be a retort by Maung Pan Nyo to unjustified attacks by the Moulvi on the Buddhist religion and it contained passages highly offensive to Islam. As an answer to "Moulvi Yogi Sadan" one Abdulla, *alias* Maung Sin, a Zerbadi physician of Hsagaing Village, Myedu, in the Shwebo District, later in 1931 wrote a book under the title "Moulvi-Yogi Sadan Vinnissaya Kyan". This book challenged Maung Pan Nyo's book as being false and a direct insult to Mahomed and to Muslims in general, as in fact it was. In the same year the pamphlet of Maung Shwe Hpi, a school-master of Myedu Village, was issued. It was in three parts consisting first of the part written by Maung Pan Nyo, secondly of the part written by Abdulla, *alias* Maung

History of the book.

⁽¹⁾ It was he who subsequently gave forty-five copies of the "Moulvi-Yogi Awada Sadan" to M. H. Patail at Mandalay. See page 3.

First edition
printed at
Mandalay.

Sin, and finally of Maung Shwe Hpi's own deplorable original contribution. It appeared under the name "Moulvi-Yogi Awada Sadan." But we shall henceforth in this Report refer to it simply as "Maung Shwe Hpi's book". Maung Shwe Hpi's book also was written as a refutation of Maung Pan Nyo's original provocative work. The original composite book was printed in 1931 at the National Press at Mandalay and constituted as shining an example of mischievous stupidity as could well be imagined. The National Press was owned by a Burmese-Muslim named Maung Eunoose who has given evidence before us. He tells us that one day the Moulvi, Hassan Shah, the Peshimam of the Mingala Mosque, Mandalay, came to him with a person whom he now knows to have been Maung Shwe Hpi himself and asked him to print one thousand copies—not two hundred and fifty copies as seems to have been supposed—of the book. That he did for seventy rupees. He disclaims all knowledge of its contents and tells us that he delivered the thousand copies to the Moulvi Hassan Shah. He then delivered a copy of the book to the Deputy Commissioner of Mandalay as required by Section 9 of the Press and Registration of Books Act, 1867. That is true as it has been verified by the Criminal Investigation Department. In the introductory part of this Report⁽¹⁾ we have commented upon the fact that the book does not appear to have found its way from the Deputy Commissioner of Mandalay to the Secretary of the Judicial Department of the Government of Burma, as it should have done. Though we doubt whether Maung Eunoose was quite so unintelligent as not to have read, even cursorily, the book he had undertaken the printing of, we think that on the whole his evidence is true and that he played a minor, though discreditable, part in the affair.

The history
of the second
edition of the
book.

All but fifty or so of those copies were distributed in the Shwebo, Myitkyina and Mandalay Districts. They attracted no attention whatever, probably because of the fact that they remained exclusively in the hands of Muslims or of Zerbadis. In 1936 Mahomed Hashim Patail, a Muslim resident of Rangoon, visited Mandalay and had occasion to say his prayers in the Mingala Mosque. There he met the Moulvi Hassan Shah, and to this meeting the second edition of Maung Shwe Hpi's book is to be attributed. But before we deal with that it is necessary that we should say something about Mahomed Hashim Patail.

He is the son of a certain Hashim Cassim Patail, who or whose father—it is quite immaterial which, but there is a little doubt about the matter—in 1860 or thereabouts founded a business in Rangoon as a piece goods merchant under the name of Hashim Cassim Patail. He carried on business in Rangoon both in the Sootee Baza Bazaar and at an address in Merchant Street. Mahomed Hashim Patail has told us that in 1904 Hashim Cassim Patail took a number of partners including himself. He says he was in the firm as a partner for two years only—1904 and 1905. In 1907 Hashim Cassim Patail, the father, died and for some few months after his death in 1907 Mahomed Hashim Patail tells us he worked in the business as an employee without a salary. After his father's death we are informed that he was paid out a sum of money representing his father's interest in the firm, which included such interest as he himself had had in 1904 and 1905. On the other hand, we have had evidence from one of the present partners, Cassim

⁽¹⁾ See page 38 *et seq.*, Interim Report.

Ibrahim Patail, whose version is a little different in that, according to him, Mahomed Hashim Patail was never a partner even in 1904 and 1905. He supports that by producing the partnership deed of the firm of the 1st January 1904, which certainly does not show Mahomed Hashim Patail as a partner. It may be that both are in a way right and that Mahomed Hashim Patail had some sort of derivative interest in his father's share. It is, however, a matter of little consequence now, because, whichever of the two stories is the right one, it is perfectly clear either that Mahomed Hashim Patail never had any interest in the firm or, at the highest, ceased to have any interest over thirty years ago. It is plain that the person who financed Maung Shwe Hpi's book at no relevant time had any connection with the firm of Hashim Cassim Patail and that that firm cannot possibly be implicated in any way in the production of Maung Shwe Hpi's book. We have thought it fair in our Report to make that quite clear in view of the misapprehension that arose upon the point in the Burmese Press.⁽¹⁾ The present firm of Hashim Cassim Patail of Block C of the Soortee Bara Bazaar and of Merchant Street has not, since 1907 at any rate and probably never, included, nor had any business connection with, M H Patail, the financier of the second edition of Maung Shwe Hpi's book in 1936.

But it remains to explain why M. H. Patail in that year should have given a sum of Rs 150 to publish the second edition of the book. Mr Patail has a Burmese lady, now converted to Islam, as his wife. He also has property at Taikkyi in the Insein District and this property is managed on his behalf by one Sultan Mahomed, *alias* Mohideen, *alias* Maung Ba Ba, an old established printer of Taikkyi. For these services M H Patail rewards Maung Ba Ba by giving him the free right of occupation of one of his houses at Taikkyi for himself and his printing Press. But the curious fact transpires that, at the time of printing this second edition of Maung Shwe Hpi's book, Maung Ba Ba had never printed a book before, his printing activities having been confined to pamphlets and other lesser literature.

M. H. Patail has told us that after his meeting with Moulvi Hassan Shah in Mandalay he was given forty-five of the remaining fifty copies of the first edition of Maung Shwe Hpi's book and that he was so taken with them that he brought them back to Rangoon and distributed them among his friends and relations. He kept a copy in the house for himself which his Burmese wife most probably read. The books were very popular and soon a demand for more of them arose among his friends and relations. He then obtained the remaining five from Mandalay. Next, according to Patail, in 1936 Maung Ba Ba saw him in Rangoon and suggested to him that, as the book was in such demand, he, Maung Ba Ba, should publish a second edition if Patail would finance it. And that is what happened. Actually M H. Patail paid Maung Ba Ba a sum of a hundred and fifty rupees which was entered in Maung Ba Ba's books as in respect of an "order" given by M H Patail of Rangoon. We think it probable that the suggestion that there should be a second edition of the book came, in reality, from Patail. In this way two thousand five hundred more copies were printed and distributed by M. H. Patail in places as widely apart as Rangoon, Maymyo, Sagaing, Yenangyaung, Mandalay, Moulmein and Akyab.

⁽¹⁾ See page 9.

The part played by M. H. Patail and Maung Ba Ba in the production of the second edition.

That is the true story of how the second edition came into existence. M. H. Patail has asked us to believe that from first to last he never knew the contents of Maung Shwe Hpi's book and that his attention was never drawn to what it was about. He would actually have us believe that he did not even know it was a book written upon a religious topic. That is manifestly absurd and we cannot believe it. It is to our minds fantastic that Patail should first in 1934 have distributed the limited number of books remaining over from the first edition among his relations and friends at the request of the Moulvi of Mandalay; then, in response to their insistent demands, come to an arrangement with his own agent, Maung Ba Ba, to print a considerable second edition for further distribution, and finally broadcast this second edition among all and sundry without having a complete knowledge of what the book was about. It must be borne in mind that Patail, though he does not read Burmese himself, has a Burmese-speaking wife. It has to be borne in mind, too, that Maung Ba Ba was Patail's tenant and that, on his own admission, this was the first book ever printed at his printing press. Patail's friends were clamouring for the book and he had a second edition printed by his Taikkyi tenant at his own expense. We think the conclusion is irresistible that, if only from curiosity, Patail must have informed himself of the contents of a book that had aroused such particular enthusiasm among his relatives and friends and of which he had constituted himself the patron. We think that both Patail and Maung Ba Ba knew perfectly well what was in the book.

To suppose that M. H. Patail, and still less Maung Ba Ba, either desired or contemplated the dreadful consequences which have indirectly ensued from the publication of the second edition of the book would be ridiculous. We suppose no such thing. But, believing as we do that M. H. Patail was fully aware of the contents of the book, we think that to him, and to a lesser extent to Maung Ba Ba's, folly in printing and distributing the second edition the immediate "occasion" of the riots can be traced. As for Maung Ba Ba he is possibly to be blamed less. He, too, we think, knew what was in the book. We doubt whether it was he who was the prime mover in the production of the second edition. We are inclined to think that he was very largely in the hands of M. H. Patail. But he should, of course, have declined altogether to print the second edition. We think he probably did so at the request of Patail and that it may have been difficult for him to refuse.

The part played by Maung Htin Baw, the author of "The Abode of a Nat."

The matter does not, however, quite end there. In the first place the book ought to have been suppressed there and then. And it probably would have been if the regulations made under the Press and Registration of Books Act, 1867 had been observed. But however that may be, nothing would ever have been heard of the book but for the intervention of a scribbler of trivial Burmese novels called Maung Htin Baw who must, in our opinion, divide with M. H. Patail a heavy burden of blame for what happened afterwards. The second edition had attracted as little public attention as the first and would, no doubt, have remained in the [complete] obscurity it deserved but for Maung Htin Baw. This meddlesome individual started life as a clerk in the Hanthawaddy Courts, became a night editor of the "Mauriya" Press

and finally drifted into novel writing. He dabbled, too, in Burmese medicine. He says he first heard of Maung Shwe Hpi's book in conversation with a Burmese-Muslim butcher named Abdul Rashid at Twante in June 1938. Abdul Rashid gave him a copy. He read it and such was his indignation that he determined—to use his own words—to “stop further publication of these books.” Nothing would, of course, have been simpler than for him to have accomplished this laudable purpose by taking the book at once to the police, to the Deputy Commissioner or to any other of the authorities, or even to the Premier himself, whom he claims to have known very well. Any such course as that would have effectually achieved his object. What he actually did was to extract from Maung Shwe Hpi's book its most offensive passages and to send them to his own cousin, Maung Thein, the proprietor of the “Aung Myin Gyn” Press of 37th Street, Rangoon, which conducts a publishing department under the name of the “Once More Publications.” This publishing house was in process of producing Maung Htin Baw's latest novel “The Abode of a Nat.” The extracts were sent to Maung Thein, together with the manuscript of the concluding chapters of the novel, in order that the extracts might be incorporated as an appendix to it. At the same time he wrote a paragraph to round it off to this effect —

“It is most earnestly asked that this sort of book should be stopped and action taken with regard to these books which have already been distributed, that is to say the books which have been published to disprage our Religion, our ‘Paya’, our Community and our Pagoda.”

These extracts were sent to Maung Thein in the middle of June and we have obtained production of the originals in Maung Htin Baw's own handwriting. He also wrote a letter to Maung Thein. This, however, cannot now, he says, be found. If it could have been, it might have been interesting. Some three days later Maung Htin Baw went to Rangoon himself and found his cousin, Maung Thein, very ill with tuberculosis. Maung Htin Baw himself then took over the editorship of the press and retained it until the whole concern was closed down at the beginning of October. There we have the facts. The fact is, therefore, that when in July “The Abode of a Nat” was actually published with its Appendix it was really published by the Press while under Maung Htin Baw's own management, although the original letter in the middle of June may possibly have been written to his cousin, Maung Thein. When questioned about this by the officers of the Criminal Investigation Department, both Maung Htin Baw and Maung Thein appear, from the record of their statements, to have been far from frank and to have tried to give the impression that Maung Htin Baw was merely the author of the novel and had nothing to do with the publication of the extracts from the book. We think that in that there was an economy of truth.

We cannot refrain from commenting upon the peculiar methods adopted by Maung Htin Baw with the object, as he says, “to stop further publication of these books.” One would have thought that the last thing a genuinely offended Buddhist would have done was to give the objectionable thing a further publicity at the tail end of an insignificant novel. It was so easy to have sent it to the police or to

someone else in authority with a note to the effect that this sort of thing ought to be put a stop to. Or we could have understood it if he had taken it straight to some respectable *Sayadaw* and asked him to deal with it. The truth is that Maung Htin Baw saw, and seized, an opportunity to get a little publicity and cheap advertising for his novel by publishing with it what he recognised as being a sensational discovery. That is what we believe to have been the truth. And, if so, Maung Htin Baw is just as much to blame as M. H. Patail, for he has not even the excuse of being a Muslim. We do not suggest that there was in the case of either Maung Htin Baw or of M. H. Patail, as there was in the case of those who used the opportunity provided, any deliberate intention to provoke communal disturbances between Indians and Burmans. But in both cases, we think, they should have known that what they were doing was highly dangerous and very wrong. The one acted perhaps from a perverted sense of religious zeal. The other could not resist the opportunity of adding a sensational item to an otherwise unattractive book. In the case of both of them they were, we think, as much to blame as Maung Shwe Hpi himself.

"The Abode of a Nat" was published in the Districts on the 9th, and in Rangoon on the 14th of July. Two thousand copies were published of which within ten days 1,350 copies were sold, the remaining 650 copies being eventually seized by the police and handed over to the District Magistrate of Rangoon. From the 9th of July onwards, therefore, copies of the novel, including the appendix, were in circulation in the Districts and from the 14th of July in Rangoon itself.

The attention
of the
Thathana
Mamaka
Young
Sanghas'
Association
and of the
Press drawn
to the book.

We know that the first mention of Maung Shwe Hpi's book in the Burmese Press was on the 19th of July when the *Sun* drew attention to it and called for "drastic action." It was in an article written by Ledi U Withokdasara of the Theingyi *Kyaung*, Shwedagon Pagoda. It is not altogether clear how the book found its way to the hands of U Withokdasara. We do know, however, that a number of *pongyis*, including the Thathana Mamaka Young Sanghas' Association, were interesting themselves in the book before the 26th of July. A *pongyi* named U Badanta Yewata approached Maung Htin Baw on the 18th of July and asked to be shown his copy of the book as he said he wanted "to read it carefully." Also a number of *pongyis* from the Thathana Mamaka Young Sanghas' Association visited Maung Htin Baw two or three days before the mass meeting on the Shwedagon Pagoda. These included U Teza who apparently was an executive member of the General Council of the Thathana Mamaka Young Sanghas' Association⁽¹⁾ and is the same person who afterwards made one of the most objectionable speeches at the Pagoda on the 26th of July. They demanded the book from Maung Htin Baw and eventually he was "summoned" to produce it before the Association at the Thayettlaw *Kyaungdaik*. On the 16th or 17th of July, the newspaper *Progress* had approached Maung Htin Baw for a copy and at about the same time the *New Light of Burma* also asked for one from him. Eventually the only copy he had—the one obtained from the Zerbadi butcher at Twante—was seized by the Criminal Investigation Department.

(¹) See page 13.

It is clear, therefore, that very soon after the publication of the novel in Rangoon on the 14th of July, the extracts from Maung Shwe Hpi's book had come to the hands of the Thathana Mamaka Young Sanghas' Association and of the Burmese Press and that both these agencies were considerably interested in it. It has been suggested to us that the book when found by Maung Htin Baw was deliberately placed by him in the hands of the Thathana Mamaka Young Sanghas' Association and published by him as an Appendix to the novel at their suggestion or at the suggestion of some one associated with them. There is no evidence whatever to support that suggestion. We think the right view is the one which we have already indicated that the extracts from the book were first brought to the public notice as a result of the culpable folly of Maung Htin Baw and that they were immediately fastened upon by the *pongyis* and the press as a first class opportunity to create the trouble they were seeking.

We have already referred in our Interim Report to the part played by the Burmese Press for a long time in fostering in Burma a condition of communal ill feeling between Burmans and Indians which was not only historically almost unknown in the country but which was, and actually still is, wholly inconsistent with the Burmese character. These efforts have been assisted by political developments and economic influences. But none of us is prepared to believe that, whatever the weight of these developments and influences may have been, they would have resulted in the deliberate hunting down of Indians that occurred in many places in July and August, the equally deliberate campaign to drive them from Burma that has developed since and the social disorders which have resulted, but for the mischievous incitement of the Burmese Press and of other political and social agitators. It was, we think, a case of the deliberate sabotage for political reasons of the traditional relations of tolerance and goodwill which had hitherto existed in the country. And not its least danger lies in creating for the first time a communal problem in Burma which in its results must be disastrous to the country as a whole.

The response
of the
Burmese
Press.

We have, therefore, to see how the political and communal themes were interwoven into the contributions of the Burmese Press from the 19th until the 26th of July when the actual rioting started. The first notice of Maung Shwe Hpi's book in the Burmese Press was, we believe, taken on the 19th July.

On that day the Rangoon *Sun* ⁽¹⁾ (we shall, for short, hereafter call it the *Sun*) published an article by Ledi U Withokdasara of the Theingyi *kyaung*, Shwedagon Pagoda. It drew attention to the book "Moulvi Yogi Awada Sadan" and its second publication and it urged all Buddhists to take "urgent action" against the book. It set out a resumé of the objectionable passages from it which it referred to as "injuring the interests of the Buddhist religion and of the Burmese people." As we have said before, the book was an unpardonable piece of folly and bad taste but it is absurd to suppose that, by itself, it could have affected by one iota either the great religion of Buddha or the national interests of the Burmese people. On the same day the *Sun*, *Progress* and *Saithan* were called upon to deposit a security of Rs. 3,000.

(1) The *Sun*, 19th July 1938.

We have already noted, at page 36 of our Interim Report, the article of the 16th July in the *Sun* reopening the attack on the system of Burmese-Muslim marriages. On the 19th of July the *Mujahed-i-Burma*, which is a Muslim-owned pro-Congress newspaper, published its reply to this article deploring that the Burmese newspapers should spread propaganda against Muslims and excite the feelings of Burmans in order to drive Muslims out of the country. The article we have already referred to in the *Sun* of the 16th July had drawn attention to a book, said to have been written in Delhi, which contained a suggestion that Islam should be propagated in Burma through the medium of marriages by Muslims with Burmese women. We draw attention to this at this stage as a great deal was being made of the marriage controversy between Burmese and Muslims. On the same day the *New Light of Burma* published its first contribution entitled "An insult against the Buddhist religion." It published an extract from a letter by a *pongyi* of the Shwegondaing *kyaungdaik* describing the book as "an insult to the Burmese nation as a whole" and urging the Mamakas to take immediate action. This was accompanied by an editorial note in which it was observed that "the insult that is being levelled against the Buddhist religion is so outrageous that we do not think that any one will tolerate it." The *Mujahed i-Burma* on the other hand, on the same day published an article again deploring the attempt that was being made to create a gulf between the Muslims and the Burmese in the country. On the same day the firm of Hashim Cassim Patail published in the *Sun* an explanation (which was, in fact, perfectly true) to the effect that the firm had no connection with either the authorship or the publication of Maung Shwe Hpi's Book.

On the 21st of July the pace quickened. The *Sun* published a highly intemperate article over the name of U Keittima of the Thayettaw *Kyaungdaik*. It is a highly improper contribution attacking Muslims in general, referring to them as the people who have "taken possession of the wealth of the Burmese people and also their daughters and sisters" and as having levelled insults at the Burmese in spite of the fact that they had dispossessed them of their property. It observed that communal trouble was likely to emerge and exhorted all Burmese Buddhists to join together and to contribute newspaper articles denouncing Islam as a false religion. In the same issue of the *Sun* appeared an article contributed by U Paduma, of the Publicity Bureau of the Thathana Mamaka Young Sanghas' Association of Rangoon, in which he denounced the book and intimated that it had been brought to the notice of the General Council of that Association and that the Council proposed to take strong measures about it. A similar announcement, also over the name of U Paduma, was also made in the *New Light of Burma* on the same day. The Indian Press contented itself on the 21st of July, through the *Daily Sher*, by deploring in the editorial column the continuance and spread of ill feeling towards Indians in Burma.

It is worth observing that at this stage on the 21st of July a meeting of the All-Burma General Council of the Thathana Mamaka Young Sanghas' Association was held at which the proposal was first put forward to hold a mass meeting on the platform of the Shwedagon Pagoda on the 26th of July. This meeting was only reported to the

Criminal Investigation Department on the 25th of July. At this stage, therefore, the Thathana Mamaka Young Sanghas' Association had determined to hold the meeting on the Shwedagon Pagoda platform. It is of some little importance to observe that the decision to hold the meeting was taken as early as the 21st of July. In Appendix I will be found a translation of the Agenda settled for the meeting.

In its issue of the 22nd of July the *New Light of Burma* published an article entitled "The book which insulted Buddhism." It referred to the disclaimer by the firm of Hashim Cassim Patail and contained a statement by Ledi U Withokd'sara to the effect that he had material evidence in his possession to prove that the book had been widely distributed and that he would not accept the firm's explanation. In the same article it was alleged that a certain *pongyi* had addressed the Premier and the Home Minister in connection with Maung Shwe Hpi's book and that he had pointed out that Burmans had lost their temper and were making arrangements to commit acts of violence against the Muslims, whilst some contemplated boycotting goods and foodstuffs sold by them. This again is an important letter because it does show that what was happening was serious and that it was brought to the notice of the Ministers at a comparatively early date. We think it worth while to set it out in full:—

LETTER ADDRESSED TO THE PREMIER AND THE HOME MINISTER.

I have issued to you my instructions by writing this letter. Supporter of the religion, I have given you below the rumour and news I have heard in connection with the book written by a Muslim and published with a view deliberately to cause pain to the Buddhists. As precaution is taken before the fire breaks out, steps should be taken to prevent bloodshed.

- (1) Some of those who cannot keep their anger within bounds are arranging to handle roughly all persons who profess Islam.
- (2) Some far sighted persons are talking to decide not to patronize any Muslims and not to purchase from them any eatables, clothings, etc.
- (3) Some people are talking about this and that against the present Government.

I have heard this among the crowd when discussing the matter and I have approached them by pretending to know nothing. Accordingly, I have informed you, Supporter of Religion, the Premier and the Home Minister, and have sent one letter each to the address of the Premier and the Home Member. I have also written this letter to the newspapers so that good minded Muslims may take steps and prevent the breaking out of fire by taking action against the book forthwith. The books may be collected and destroyed by fire.

(Sd.) U NAGAINDA,

Bonpyankyauing, Bahan Kyaung Taik, Rangoon.

The *New Burma* also on the same day published an article drawing attention to the offence given by the book saying among other things that in the time of the Burmese Kings the person concerned would have been burnt alive. Again the Muslim Press in the columns of the *Burma Muslim* expressed its regret at this volume of anti-Muslim propaganda. The issue of the *Progress* of the same day contained an announcement of the arrangements that had been made to hold the mass meeting on the 26th to protest against the publication of the book.

On the 23rd of July notices announcing the same meeting at the Shwedagon Pagoda appeared in the *Sun*, *New Light of Burma* and *Progress*. The *Myanma-Uzun* referred to the offence given by the book and the *Sun* published three letters, among them one from Maung Nyunt Tin warning Maung Shwe Hpi, and another urging the raising of funds to take "necessary" action. Moreover, the *Sun* published a cartoon of the book being thrown at the head of a Burman Buddhist whilst a policeman, designed to represent the Coalition Government, stood passively by. A photographic reproduction of the cover of the book was included in the issue and a report of the preliminary meeting of the Thathana Mamaka Young Sanghas' Association held on the 21st of July. Lastly, a correspondent in this issue appealed to all Buddhist newspapers to publish in bold type every day the words :—

"BUDDHISM HAS BEEN INSULTED. TAKE IMMEDIATE STEPS."

On the 24th of July *Thiha* actually warned the Government that riots might result. *Saithan* on the same day published an article headed "Indians who insulted the religion" with a sub-heading "It is the duty of the Government to prevent the outbreak of fire before it starts." It published an article by one Ahka. This article pointed out in very intemperate language that great excitement prevailed among the Burmese as regards the book particularly among the *Sanghas* and University students and it warned the Government to take action "as a small spark may lead to a big conflagration." On the next day, the 25th of July, the *Burma Muslim* made a contribution to the controversy by deploring both the publication of the book itself and the attacks being made upon the Muslim community in relation to it and it referred to the venomous articles which have been constantly published against the Muslims in the Burmese newspapers. It acknowledged the gross impropriety of Maung Shwe Hpi's book and warned the whole Muslim community that the day was not far away when "dreadful riots" might ensue between the two communities. It concluded by urging all Muslims in Burma to do their best to appease the Buddhists' feelings that have been aroused.

On the 25th of July *Progress* again published a notice of the mass meeting to be held the following day, while *New Light of Burma* published an article describing the book as "written to insult the Buddhist religion." It also published a letter from U Paduma of the Publicity Bureau of the General Council of the Thathana Mamaka Young Sanghas' Association enjoining attendance at the mass meeting. Finally, it published a most inflammatory letter under the name of "Bama Thway" (which means "Burmese blood") inciting Buddhists

to "take action at once against the author and abettor of the book." The *Sun* on the same day published a general attack, over the name of U Paduma, upon all foreigners in Burma. He began in the following words :—

"It has been known to the world that Burma is a Buddhist country. Peoples professing other religions come to Burma the country of the Buddhist without hindrance, and as they have been eating the flesh and sucking the life-blood of the Burmese, the whole of the Burmese nation not being able to bear, has raised a cry and clamoured many years since, and they are aware of it.

But, they without paying any heed insulted the Burmese Buddhist by seducing Burmese Buddhist women to become their wives, causing dissension in order to create such communities as *Dobama Muslim—We Burmese Muslim.*"⁽¹⁾

He then appealed to all Burmese Buddhists to join forces and repel the grave danger with which their race and religion was faced.

That was the position of affairs at the close of the 25th of July. At that stage of the matter the Burmese press had in Maung Shwe Hpi's book an object of their justifiable indignation. It cannot be doubted, as we have said more than once, that the book was a piece of bigotry and bad taste. But to pretend that it constituted any menace either to the religious or national life of the Burmese was manifestly absurd. A sincere and sensible press, with the interest of Buddhism really at heart, would have had the good sense, if not the dignity, either to have ignored the book altogether or to have refrained from the dangerous invective of such articles and correspondence as those to which we have referred. We have little doubt in our minds that those who were responsible for these contributions were far from unwilling to magnify the stupidity of Maung Shwe Hpi's book into the semblance of a menace to the Buddhist religion and Burmese nation. It afforded them excellent propaganda. And we think that as such it was used.

(¹) Translated by High Court translators.

CHAPTER VIII.

The Meeting at the Pagoda, the Procession and the Police Preparations.

The 26th
July.

That brings us to the morning of the 26th of July. We have already referred to the meeting upon the platform of the Shwedagon Pagoda convened for that day. That had been decided upon, and the agenda settled, at the meeting of the All Burma Council of the Thathana Mamaka Young Sanghas' Association as early as the 21st of July and it had been given, as we have shown, great prominence in the Burmese Press. On the 24th of July leaflets of the agenda of the meeting were widely distributed throughout Rangoon by the Shwedagon Pagoda Upasaka Association and the same Association on the same day held a preliminary meeting on the platform of the Pagoda resolving that Burmans should thenceforth have no dealing with Muslims and that the twenty thousand leaflets should be distributed in order "to acquaint the public with the disparaging remarks of Maung Shwe Hpi against the Buddhist religion." On the same evening members of the Association drove through Kemmendine calling upon all Buddhists to come to the Mass Meeting on the 26th. Meanwhile, the All Burma Muslim League had held⁽¹⁾ two meetings—one on the 24th and one on the 25th—to express their profound regret at the publication of the book and completely dissociating themselves from it. That then was the position on the morning of the 26th of July.

The meeting
on the Shwe-
dagon Pogo-
da platform.

The 26th of July was a Tuesday during an unusually fine spell in the South-West Monsoon. The meeting was timed for about one o'clock on the platform of the Shwedagon Pagoda. We think we have already said enough to show, not only that the tone of the Burmese Press from the 19th of July onwards was both bitter and violent, but also that a deliberate attempt was being made to create on the pretext of Maung Shwe Hpi's book a demonstration of no ordinary significance. It had been organized, and its agenda had been carefully settled, by the General Council of the Thathana Mamaka Young Sanghas' Association and it had been advertised widely in the Press and by leaflet throughout Rangoon.

The
speeches.

We are told that the meeting was attended by no less than ten thousand people of whom fifteen hundred were *pongyis*. It lasted from about 1 p.m. until 3.45 p.m. and was presided over by the Thadu *Sayadaw* as Chairman and Tharrawaddy U Nyeya as Secretary. Among those prominent at the meeting were representatives of the Thadu *Taik* and of the Bagaya *Kyaung* at Kemmendine, the Executive Members of the General Council of the Thathana Mamaka Young Sanghas' Association at Rangoon, representatives of the Thavettaw *Kyaungdaik* and other Rangoon *Kyaungdaiks*, a number of representatives of various Dobarna Asi-Ayon Associations and representatives of the *Sun*, the *New Light of Burma* and *Progress*. We have a record of some twelve speeches made. There is no reason why we should perpetuate them, by preserving a record of them here. It is

(¹) It is fair to point out that copies of the resolutions passed at these meetings were sent to the Burmese Press, which in fact gave them considerable publicity.

sufficient to say that on the whole they constituted a bitter attack on Muslims. As we have said before, the Buddhist religion was not in the least jeopardy from Maung Shwe Hpi's book and there was no occasion to defend it. The tone of the meeting developed in a crescendo of vituperation and abuse against Muslims in general. Of the violent speeches made that of U Teza, an Executive Member of the General Council of the Thathana Mamaka Young Sanghas' Association, was outstanding. Scarcely less abusive and violent was that of U Sandawuntha of the Thayettaw *Kyaungdaik*. It was noticeable that, throughout, the speeches dwelt upon the Burmese—Muslim marriage question. There was an attempt by one speaker to move a boycott of all Muslims in Burma. We give as Appendix II the resolutions which were passed at the meeting. Finally, the climax was reached when, after the close of the meeting, U Kumara of the Thayettaw *Kyaungdaik* the President of the Rangoon Central Thathana Mamaka Young Sanghas' Association provoked the audience to form the procession. He suggested that a procession should be taken out along the Pagoda Road to the Soortee Bara Bazaar as soon as the meeting was over "in order to show the real blood of the Burmese people who would not tolerate any insult to their ⁽¹⁾ race and religion."⁽²⁾ The audience were impatient to set out and started descending the platform of the Pagoda shouting—"Kala-Kala : yaik-yaik" (assault Indians); "Hashim Cassim Patail Be-ne Lok-me; Be-ne Lok-me; Di-ne Lok-me; Di-ne Lok-me" (How will you deal with Hashim Cassim Patail?); "Midok-Midok Sho-Sho;" (Flaming Torch-Burn-Burn); "Boycott-Boycott" and "Kala-yu-de Bama-ma-dwe Bama-pyi-hma-lin-sha-lo-la!" (Burmese women who marry Indians! Are husbands scarce in Burma?).

The procession from the Pagoda at about 4 p.m.

On reaching the foot of the Shwedagon Pagoda the crowd formed a procession and set out down Pagoda Road for the Soortee Bara Bazaar. And so began the next stage of the afternoon's events. We particularly desire to make it clear that we are satisfied that only a small portion of the people who attended the meeting joined the procession and that fewer still actually intended any mischief. The great majority of them were, we do not doubt, respectable *pongyis* and Burmese men and women who were led to attend the meeting with the genuine and serious purpose of registering their protest against what after their attention had been assiduously drawn to it by the Burmese Press they rightly and properly considered to be the slight to their religion delivered by Maung Shwe Hpi. Some few persons no doubt were there intending mischief from the very start and others, certainly, were worked up by the speeches they heard to such a state of excitement that they were led to join the procession when it was proposed. We have no actual evidence that any of the audience came to the meeting deliberately armed for trouble. A few may have had sticks. But we have no reliable evidence we can accept of any carrying *dahs*. A few witnesses who saw the crowd in Pagoda Road have said that they saw *dahs*. But we doubt it. If there were *dahs*, they were very few at that stage of the affair. The great majority of those at the meeting went quietly home at 3-45 p.m. when the meeting was over, many of them by the North and East entrances of

(1) The collocation of the words "race" and "religion" is noticeable.

(2) Quoted from the report of the Criminal Investigation Department Officers who attended the meeting.

the Pagoda. The procession itself when it started down Pagoda Road was not, we think, more than a thousand or fifteen hundred strong, including both laymen and *pongyis* and it dwindled considerably on the way. We have had a remarkable variation in the estimates given of the size of the procession by the many eye witnesses of it at the various stages of its career down Pagoda Road. It has been put as high as three thousand and as low as three hundred. But we think the truth is that when it started it consisted of slightly over a thousand of whom as many as half were *pongyis*. By the time it had reached the crossing of China Street and Canal Street, at which point we shall deal with it in connection with the incidents in the Soortee Bara Bazaar, it had, we think, dwindled to about half that number, of whom, however, the majority were *pongyis*. Nor is it possible for us to say that we think that the actual procession was premeditated and organised. All the promoters of the meeting had contemplated was the meeting itself, the protest against the book and the evil propaganda it was designed to spread. The procession developed out of the inflammatory speeches made and the final prompting of U Kumara. That there were a good many there who were quite ready to come out and create mischief we do not doubt. But, on the whole, we think that the actual procession went further than the promoters of the meeting really intended. It is fair that we should make our view upon this point clear as we have unfortunately to make some comments later upon the lack of preparation made by the police authorities to deal with the situation on this afternoon.

But it would be a great mistake to suppose, as some have endeavoured to represent to us, that this procession was a peaceful procession. It certainly was not. As will have been seen from U Kumara's speech and from the responses of the crowd to it, many, if not most, of those who joined it were bent upon demonstrating against the Muslims, if not upon doing them actual mischief. Even if the processionists were not armed when they started, a considerable number of them, as their ardour increased, equipped themselves with sticks and green bamboos from the fences and the trees in Pagoda Road and with bricks and stones picked up on the way. Others furnished themselves with the side bars from the trams—Nos. 60 and 68—which were stopped in Pagoda Road. It is not, perhaps, true that all those who were in the procession were bent on mischief, for there is evidence which we accept that more than one *pongyi* and layman tried to impress upon the procession the necessity for avoiding any violence. But, on the whole, it is true to say that the majority of the members of the procession were bent on mischief.

Every one who has given evidence before us who saw the procession in Pagoda Road is agreed that it was in an angry and ugly mood. Mr. Banwell, the Deputy Commissioner of Police, met it at a very early stage of its career soon after it had left the Pagoda entrance at the top of Pagoda Road and with considerable presence of mind, passed through the crowd in his car. Though he was not in any way molested, except for being told to "go home" by one or two lads in yellow robes, he described the crowd at that stage as "in a nasty mood but not actually disorderly." One witness has described the crowd as "bloodthirsty." Slogans were shouted such as "Burma for the Burmans." But in Pagoda Road there is plenty of evidence of temper

on the part of the crowd. We need not go through the happenings in Pagoda Road in detail because they are in themselves unimportant. It suffices to say that any Indian whom the crowd came across was chased and attacked, the stalls of a *pan*, a pineapple and a sherbet seller were wrecked, rickshaws were attacked, two trams were stopped, stripped to afford weapons, and from one of them (No. 60) three Mahomedan passengers were chased and severely injured, and a policeman (P.C. 644) chased from his post. These things undoubtedly happened and we are bound from the evidence to conclude that *pongyis* armed with sticks participated in some of them. For instance a man was beaten and injured by a *pongyi* with a stick and chased into the compound of the Diocesan Boys' High School. Of this there can be no doubt. The conclusion is that the procession, though it was unpremeditated, was on the whole in an aggressive mood and, unfortunately, some, but not all, the *pongyis* who accompanied it took part in the disorder. When we speak, here and elsewhere in the Report, of *pongyis*, we cannot, of course, distinguish between those who are entitled to wear yellow robes and those who are not.

In this mood, the procession proceeded down the Pagoda Road towards the City. It was not until it had reached the junction of China Street and Canal Street that the crowd really came into contact with the police. We give later a full account of the scene at the Soortee Bara Bazaar. At the corner of China Street and Canal Street the procession was met by a hastily summoned and unarmed force of twelve European Sergeants and fifteen Indian constables and an Inspector under the command of Mr. W. H. Tydd, the Assistant Commissioner of Police. The crowd was, however, allowed to proceed to the Soortee Bara Bazaar. There they started throwing stones at Indian shops. A police charge followed in which a number of *pongyis* were injured. This police charge, in which several *pongyis* were injured, was the subject of a bitter attack by the Burmese Press upon the police and we have, therefore, examined the incident with some care. We shall give an account of it and draw our conclusions as to what happened presently.

Arrival of the procession at the junction of China Street and Canal Street.

In the meantime we find it necessary to make some reference to the preparations which had been made by the police to meet any trouble which might arise out of the meeting at the Pagoda.

Police precautions—were they adequate?

It is clear that by the 25th of July, and even before, a serious and unusual situation had been created—a situation capable of developing, if not controlled, into something highly dangerous. The meeting of the 26th of July at the Shwedagon Pagoda had been convened, as we have shown, by the General Council of the Thathana Mamaka Young Sanghas' Association as a direct result of this situation and it was being widely advertised in the Press throughout Rangoon and in the districts. On the 24th of July there was the meeting of the Shwedagon Pagoda Upasaka Association on the Shwedagon Pagoda Platform at which it was resolved to distribute the twenty thousand leaflets to acquaint the public with the disparaging remarks of Maung Shwe Hpi against the Buddhist religion. On the same evening a party of twenty of the Shwedagon Pagoda Sunday Association drove though Kemmendine—where ⁽¹⁾ a good deal of

(1) See page 45 Interim Report.

industrial unrest already existed—reading out extracts from the book and calling upon Buddhists to come to the meeting on the 26th. And, in addition to all this, it cannot, we think, be ignored that the whole atmosphere in Burma—communal, political and economic—for some time had been highly charged.

That was, then, the position with which the authorities were faced. The Deputy Inspector-General of Police for Railways and Criminal Investigation (Mr. Hardie) has told us that the first intimation his office received of the storm which had arisen in the Burmese Press was on the 21st of July when copies of the *New Light of Burma* of the 20th and of the *Sun* of the 21st of July were submitted to it by its officers. On the same day, the 21st of July, a copy of Maung Shwe Hpi's book was sent for by the Criminal Investigation Department to Shwebo. On the 22nd of July Mr. Hardie personally learnt of the matter and at once suggested that a copy of the book ought to be obtained from one or other of the two newspapers, the *New Light of Burma* or the *Sun*. That was done on the same day. On the 23rd of July the translators of the Criminal Investigation Department submitted a report on it but, because it contained a good deal of Pali, they experienced a great deal of difficulty in translating it. Meanwhile on the 22nd, *New Burma* had published a violent article entitled "Scurrilous Attack." Mr. Hardie, then, on the 23rd (which was the Saturday) to use his own words

"realized that this press agitation might take a serious turn, although, of course, I did not dream of its developing into wide-spread rioting. I, therefore, forwarded the book at once to the Home Department with the following note, *via* this office I.B. Department endorsement No. 4686 R/C, dated the 23rd July 1938."

We reproduce the terms of this endorsement :—

" INTELLIGENCE BRANCH DEPARTMENT

No. 4687 R/C

Dated Rangoon, the 23rd July, 1938.

Excerpt from *New Burma*, dated the 22nd July, together with a copy of the book entitled 'Moulvi and Yogi-awada' forwarded to the Secretary to the Government of Burma, Home Department, for information.

Much of the contents of the book is in Pali and extracted from the Buddhist Scriptures and is of a cryptic nature. Our officers are, therefore, unable to render a correct translation of the book and it is, therefore, suggested that this should be undertaken by the Government translators.

The publication of this book may lead to communal trouble.⁽¹⁾

By order,

(Sd.) J. N. BHATTACHARJEE,

*Personal Assistant to the Deputy Inspector-General of Police
for Railways and C.I.D., Burma."*

(¹) The italics are our own.

The 23rd of July was a Saturday. This memorandum was sent to the Home Department of the Government of Burma on that day and a copy was sent to the Commissioner of Police. The copy was received by the Commissioner of Police on the 23rd. But the original did not actually come to the notice of the Home Minister himself until the following Monday (the 25th) when he wrote on it an office endorsement.—

“There are some very objectionable passages which hurt the Buddhist religious sentiments. The book is arousing a great deal of religious feeling. Action is called for very urgently but before doing so translation of the objectionable passages may be done immediately.”

As for the Commissioner of Police, Rangoon, the information at his disposal, so far as we have been able to trace it, was as follows :—

His office received the copy of the endorsement No. 4687, dated the 23rd July 1938, on the same day, that is a copy of the Memorandum of the Criminal Investigation Department which we have set out above.

On the 25th of July under C.I.D. No. 4704 R/C, translations of the articles in the *Sun*, *New Light of Burma* and *Progress*, dated the 19th, 21st, 20th and 23rd, were sent by the Criminal Investigation Department to the Commissioner of Police. On the same day under C.I.D. No. 4714 R/C his office also received a translation of the articles in the *Sun* of the 21st. On the 25th of July under C.I.D. No. 4723 R/C a report of the meeting at the Shwedagon Pagoda of the Upasaka Association was sent to the Commissioner of Police. This contained a reference to the proposed meeting convened for the 26th. But it was—for some reason not explained—received by him only at 3-40 p.m. on the 26th itself, by which time the meeting was practically over. On the same day under C.I.D. No. 4721 R/C a report of an officer of the Criminal Investigation Department was sent to the Commissioner of Police intimating that the meeting would be held on the 26th of July and setting out the proposed agenda. And under C.I.D. Nos. 4732 R/C and 4735 R/C both of the 25th of July, translations of the articles in the *Sun* of the 22nd and 23rd of July and of *New Light of Burma* of the 22nd of July, were sent to him.

It is clear, therefore, that in an orthodox, but rather leisurely, way the Commissioner of Police was being kept informed of events. That was the state of affairs on the 26th of July and the question which has arisen before us is whether, in view of the feeling which had been aroused, sufficient precautions were taken to deal with the meeting of the 26th of July and its possible consequences.

It is fair to all parties to point out, as we have already done, that there was nothing in the notice convening the meeting nor in the agenda indicating any intention that there would actually be a procession in Rangoon Town. Nor do we think that there was any such intention in the minds of the promoters of the meeting when they convened it. It was to be in form a meeting of protest, albeit a large one. But it has to be noticed that its purpose was not confined to protesting against Maung Shwe Hpi's book. A number of other things were included such as “footwearing” on the Pagoda platform and

other religious places, and the Buddhist Women Special Marriage and Succession Bill, all of which goes to show that the motives of the persons who convened it went a good deal further than to give vent to their natural indignation over Maung Shwe Hpi's book.

We are now in a position to consider whether trouble ought not to have been anticipated and provided for by the Commissioner of Police. We are very conscious that we are attempting to be wise after the event and we have endeavoured, so far as we can, to put ourselves in the shoes of the persons whose duty it was to guard the peace of the city. But, making every allowance we can, we feel that there was in some measure a failure to appreciate the seriousness of the position and to foresee the possible, if not the probable, consequences of what was happening.

We have endeavoured in the foregoing account to show that from the 19th of July onwards there was in part of the Burmese press a crescendo of clamour against Maung Shwe Hpi's book accompanied by an outbreak of violent indignation against Indians and "foreigners" in general. That this was widespread and serious we feel no doubt. Each of them, the Deputy Inspector-General of Police for Railways and Criminal Investigation, the Home Minister, and the Commissioner of Police, in varying degrees appreciated this. Mr. Hardie on the 23rd of July, appreciated the possibility of "communal" trouble as is shown by his endorsement No 4687 R/C of the 23rd July. The Home Minister on the 25th of July appreciated it as is shown by his note on that date. And the Commissioner of Police has told us very frankly that he, too, appreciated on the 25th of July from the information he had received from the Criminal Investigation Department that things were serious. The Deputy Commissioner of Police says that, though he realized when he spoke to the Superintendent of Police (Western) Division on the morning of the 26th of July about making arrangements for the meeting in the afternoon that the situation was one to be watched, he did not realize that it was one of those situations which demanded precautions of an extraordinary character. It was to him a case only of a meeting "to be watched." It is, indeed, obvious from the evidence that neither the Commissioner nor the Deputy Commissioner of the Police were fully conscious of the storm that was threatening.

Failure of the
Criminal
Investigation
Department.

The first cause of the failure, we think, was that each of these three officers was working in water-tight compartments. It is true that Mr. Hardie had passed on his information to the Commissioner of Police. Mr. Hardie has told us, we are sure with truth, that it is his duty only to pass on information to those whom it may concern and not to comment upon it. He tells us that the comment made in his endorsement No. 4787 R/C to the effect that communal trouble was possible was really inspired by the fact that he was impressed with the seriousness of the propaganda that was going on in the Press. In the ordinary way the Head of the Criminal Investigation Department is not charged with the duty, we understand, of giving advice and of making comments. This, we think, is unfortunate as his comments must be valuable. In the same way with his dealings with the Commissioner of Police, it was not apparently Mr. Hardie's business to do more than pass on the information. This, too, we regard as a pity. We have a suspicion of some little professional reserve between the Criminal Investigation Department and the City Police, of which he have had a

hint in the evidence adduced before us. If any such thing does exist, then we can imagine nothing more harmful to the efficiency of each. Though the Minister, the Commissioner of Police and the Head of the Criminal Investigation Department all individually recognized that the situation was out of the ordinary and serious, none of them, of course, actually anticipated a procession from the Pagoda into the city and, still less, rioting all over Burma as the result. It is fair to say that. But it does not quite meet the point. We think that it would have been far better if the Head of the Criminal Investigation Department and the Commissioner of Police had been in much closer touch than they actually were. Though Mr. Lawson has said, with complete frankness, that he did realize on the 25th that the situation was a serious one, we think that had he had the benefit of a personal talk with Mr. Hardie, possibly with the Home Minister also, on the 25th about the whole affair and the meeting proposed for the following day, he would have realised more fully than he was able to that the meeting of the 26th required extra special and wide precautions to be taken, not so much to preserve order at it, but to guard against what might arise out of it both in Rangoon and outside it. For, what we are saying now we shall have to repeat when we come to deal with the districts.

We are not convinced that the relations between the Home Minister, the Commissioner of Police and the Head of the Criminal Investigation Department are nearly as close as they should be⁽¹⁾. There is, we are told by more than one officer, a suspicion on the police side that they do not get all the help they are entitled to from the Criminal Investigation Department and that the police are for that reason apt to rely upon their own detective force to supply and check information which ought to be supplied by the Criminal Investigation Department. If this is true, it is not right. We feel that there are no three departments that should be in closer touch with each other than these and we think that in this case there was a distinct breakdown in the function that the Criminal Investigation Department should fulfil. We think that the very closest personal contact ought to be maintained between the Officer in charge of Criminal Investigation, the Commissioner of Police and the Home Department. And we think that the channels of official correspondence are inadequate to maintain the close relations that should exist between them. It is not a case of the Criminal Investigation Department interfering with the Commissioner. It is a case of the Commissioner of Police and the Inspector-General of Police being put in possession, with certainty and speed, not merely of information but also of the benefit of the advice and experience of the Head of the Criminal Investigation Department. The same thing applies to the relations between the Home Minister on the one hand and his Commissioner of Police and his Head of the Criminal Investigation Department on the other hand. Though Mr. Lawson has, with loyalty, assured us that he understood the position and made his arrangements with his eyes open, we still feel that he and the Deputy Commissioner would have been assisted to a truer appreciation of the position had they had the benefit of a personal discussion with either

Criminal
Investigation
Department
out of touch
with other
departments
and Officers.

⁽¹⁾ The Home Department relies on the Editor of the *Headman's Gazette* for translations of daily cuttings from the vernacular press. We are told that for a week previously there had been a failure to supply these translations and cuttings. This does not, we think, exonerate the Criminal Investigation Department but should itself be inquired into. The system is, to our minds, unsatisfactory.

the Home Minister or Mr. Hardie or both. As a result of that discussion they would have been better prepared to anticipate and meet the events which emerged out of the meeting on the platform of the Shwedagon Pagoda on the 26th. It was not a case of the information not being available. It was there for every one to see. It was a case in which, we think, three people failed to appreciate its seriousness.

We shall venture to suggest, therefore, that it is desirable in future to bring these three officers into closer personal contact. It is possible that this might be done in the case of the Commissioner of Police and the Head of the Criminal Investigation Department, by attaching an Officer of the Commissioner's Staff to the Criminal Investigation Department or, conversely, an Officer of the Criminal Investigation Department to the Commissioner. Moreover, we should like to see, as a matter of pure routine, a short daily exchange of views between the Commissioner of Police, the Inspector-General of Police and the Head of the Criminal Investigation Department and frequent and close contact between the latter officer and the Home Minister. Had this existed at the critical time the Home Minister, the Inspector-General of Police and the Commissioner of Police would have been, we think, in a better position to appreciate the position and its urgency. And even at the critical time, the barriers of official decorum were not broken down, for they never were in real touch with one another. We hope that the whole question of the relations between these departments, particularly when an emergency threatens, may be gone into and that they may be brought closer together.

We think that there was a failure here, though we cannot in justice blame Mr. Hardie, the Commissioner of Police or the Minister. It was the system that proved inadequate to meet the strain put upon it.

Actual police
provision
made.

The fact is that there were provided for the meeting on the 26th of July, some four shorthand writers to take down the speeches made, and ten constables—four of them in mufti—on the Pagoda⁽¹⁾. That was all. No further preparations were made. Both the Commissioner and the Deputy Commissioner of Police tell us that, as matters stood on the 25th and 26th, they considered this sufficient. Both they and Mr. Hardie point out that meetings on the platform of the Pagoda are of the commonest occurrence and that from the many within their experience no mischief had resulted. They say, too—and we gladly accept it—that no procession was within the contemplation of the promoters of the meeting nor, in its initial stage, of its attendance. No procession was contemplated by the Commissioner. But that does not altogether meet the point. Undoubtedly the circumstances were unusual. It obviously was not a meeting of the usual kind. Mischief was in the air. Passions were becoming inflamed and, we think, that the tone of the press alone gave warning enough that, at the least, something out of the ordinary was liable to happen. We are, as we have said before, very well aware how easy it is for us in the light of the known sequence of events that followed to criticize the judgment of

⁽¹⁾ These actual dispositions were made by Mr. Scott, the Superintendent of Police (Western Division), Rangoon, on the telephoned instructions of the Deputy Commissioner. But, in fairness to Mr. Scott, it must be said that he was not told that the occasion required any extra precautions to be taken. He, therefore, took no more than ordinary precautions.

men—men of great ability and experience—who had the actual decision to take with none of the advantages that we have. But we cannot avoid the conclusion that it was an error of judgment on the part of the Commissioner and Deputy Commissioner of Police in all the special circumstances of the case, not to have made preparations to meet all possible consequences of the meeting of the 26th of July. We are told that such a course has been taken before, as, for instance, in the case of the hunger marchers from Okpo in the Tharrawaddy District.

We agree that any open display of force either at the Pagoda, in Pagoda Road or in the town prior to the meeting might, instead of doing good, have made things worse. On the other hand, it might have had the effect of preventing the whole affair of the 26th. But, it might, we think, have been possible by holding police in secret readiness or, at least, by warning all police stations to stand by, to have been more ready to deal with the situation promptly than was the case.

Could the police have prevented what happened later?

But, having said that, we desire in justice to the Commissioner to add that we have no reason to suppose that, once the procession had started on its career down Pagoda Road, any amount of actual force, in the light of what we now know, or the display of it, would necessarily have altered the course of events over the next six weeks since, if the procession had been stopped by force at the top of Pagoda Road, the probability is that the subsequent deplorable events would not have been avoided. All that would have happened would have been that the scene of the so-called "police excesses" would in the columns of the Burmese Press have been transferred from the Soortee Bara Bazaar to the top of Pagoda Road. But it remains a bare possibility that, if the procession had been confronted almost as soon as it started by a considerable force of police or had its promoters been aware of the readiness of the police to meet *any* emergency, the procession might never have set out. It may be that a force to accompany them down the Pagoda Road and to the Soortee Bara Bazaar might have had a restraining influence. But these are pure speculations. There were grave risks that any open show of force might have made matters worse instead of better. The only certain effect of the error of judgment to which he have drawn attention in appreciating the potentialities of the meeting was that the police were not as ready as they ought to have been to meet the events of the next few hours. But we cannot say that, in our view, the ultimate course which events took would necessarily have been changed. The real truth is that there were deeper causes at work than just the immediate events of the meeting and the procession, which were no more than the spark which exploded the charge. It is our considered opinion that, even if Mr. Lawson had made more adequate provision to meet all possible consequences of the meeting on the 26th of July, it is impossible to say that the riots would have been avoided. Our criticism may, therefore, be academic. But we make it only in the hope that, if ever such a situation should occur again, it may be borne in mind.

This is perhaps a convenient point at which to deal with the criticism which has been very generally made that the book was not "proscribed" early enough. This charge has been made against the Government freely in the *Sun*, the *New Light of Burma* and in other Burmese newspapers. And throughout our tour of the Districts

Was there any undue delay in proscribing the book?

we have met with it wherever we have been. It is, of course, very easy and convenient for those who wish to harass the Government to say that, if it had taken steps to proscribe the book earlier, there would have been no disturbances in July, August or since. But it remains to examine whether the charge is true or not.

Maung Shwe Hpi's book should have been proscribed in 1931 when it was first published. If there had not been the breakdown in the machinery of Section 9 of the Press and Registration of Books Act, 1867, which we have pointed out in our introductory report ⁽¹⁾, it probably would have been suppressed then. Again in 1936 when the second edition was printed a second opportunity arose for discovering and suppressing it. But that too miscarried. All that is past history and all that can be done now about it is to see that the Act is, if necessary, amended and the rules made under it remodelled and enforced in such a way that these mistakes cannot happen again. For, we are by no means assured that the supervision of the presses of the country is, in this matter of their output of books and pamphlets, particularly of political and religious books and pamphlets, all that it should be. We have even had cases brought to our notice in which books and pamphlets have been printed and circulated without a printer's name appearing on them at all.

In this sense there was, in our view, certainly an early failure to suppress Maung Shwe Hpi's book. But it was a failure, we fear, common to a good deal of improper literature circulated in the country. It ought to be remedied ; but it was not a failure for which the present administration was responsible. However that may be, the Press campaign against Maung Shwe Hpi's book started on the 19th of July. From that moment it became public property. It took, as we have shown, until the 22nd of July to come to the personal notice of the Head of the Criminal Investigation Department and—it is fair to say that a week end intervened—a further three days, until the 25th, to reach the Home Minister's own hands. It was, in fact, proscribed on the 26th ⁽²⁾.

In view of all the circumstances we do not doubt that the procedure was far too orthodox and leisurely. But we do not think that the Home Minister was personally to blame. When it did reach his hands, it was proscribed within twenty-four hours. A good deal which is most unjust has been said about the Home Minister having required the book to be translated. The truth is that the original book is full of Pali and is difficult even for a Burman to read and understand with ease. In a modified sense we agree that the book ought to have been proscribed earlier. It ought to have been proscribed in 1931. It ought to have been proscribed in 1936. And again between the 19th and the 26th of July the combined machinery of the Press and Registration of Books Act, of the Home Department and of the Criminal Investigation Department was inadequate to take an urgent step. It was the same cause of failure as that which allowed the meeting of the 26th of July on the Pagoda platform to go unprovided for—namely, that the departments and officials concerned were out of touch with one another and the machinery was old and stiff. We shall in the concluding chapters of our report revert to this.

⁽¹⁾ See pages 38—39, Interim Report.

⁽²⁾ The decision to proscribe the book was taken by the Home Minister on the 25th

CHAPTER IX.

The Soortee Bara Bazaar.

As we have shown in the last chapter, the procession reached the bottom of Pagoda Road, various and violent incidents having taken place on the way. Having crossed Commissioner Road, it proceeded down China Street. In the meanwhile a telephone message had reached the office of the Commissioner of Police at the New Law Courts. He himself was out attending a meeting at the City Hall in the very room in which we have held our sittings in Rangoon. The Deputy Commissioner, Mr. Banwell, and the Assistant Commissioner, Mr. W. H. Tydd, were in the office. Mr. Tydd at once hurried to the Mogul Guard, while Mr. Banwell took a car and went to Pagoda Road to see what was really happening. He then found the procession emerging from the Pagoda, as we have already related. Meanwhile a telephone message was got through to the Commissioner himself at the City Hall to acquaint him with the fact that all was not well. He received that message at about 4-50 p.m.

News of the procession reaches the Commissioner.

We shall now follow Mr. Tydd's movements. On arrival at the Mogul Guard he at once got together all the men available. These were only twenty-eight all told, twelve European sergeants, fifteen Indian constables and one Inspector—a slender enough reserve for a city of four hundred thousand inhabitants. And even this was fortunate because, had it occurred fifteen minutes later these men, who were about to go out on duty, would not have been there. It has to be remembered that Rangoon boasts of absolutely no reserve of police of any kind to meet an emergency—a matter of which we have something to say later on. With this force he went at once to the Soortee Bara Bazaar and took up a position at the crossing of China Street and Canal Street, the European sergeants at the north-west corner and the Indian constables at the south-west corner. Mr. Tydd had, of course, been told on the telephone from the Pagoda that it was the Soortee Bara Bazaar that the procession was bound for but as yet he knew absolutely nothing of the temper of the crowd nor of the incidents that had happened, or were happening, in Pagoda Road.

By the time Mr. Tydd, with his twelve European sergeants, fifteen constables and one Inspector, all unarmed, had taken up their positions at the corner of Canal Street and China Street, the head of the procession was in sight half-way down that section of China Street which lies between Commissioner Road on the north and Canal Street on the south. He could see them coming. He and other witnesses have told us that at this point they were not unduly noisy or excited and that he did not consider them dangerous. There is some evidence that a number of them had sticks and, a few, stones, though we do not think that it would be true to say that the majority were armed with either sticks or other weapons. They carried a banner and some of them had flags. Mr. Tydd determined, therefore, to let them proceed. When the newspaper *Progress* on the 28th of August suggested that the procession had been "prohibited from proceeding further" that is not true. They were broken up when they became unruly as we shall see

Procession met by police at the corner of Canal Street and China Street.

later. But they were never stopped. A number of considerations influenced Mr. Tydd to let them proceed. As we have said, he knew nothing of what had happened on the way. He saw them coming and the procession did not look to him at the time to be dangerous. And his force was a small one and unarmed. So he decided to let them go on. He said frankly that probably he couldn't have stopped them even if he had wanted to. As the procession reached the crossing of China Street and Canal Street two Indians with a hand cart tried to cross in front of it but they were stopped by the leaders of the procession, assaulted and the crowd started to help itself to the wooden planks which the hand cart carried. But the police took these away without their offering resistance. The procession then went on and the police party were ordered to fall in behind.

Procession
allowed to
pass on
towards the
Soortee Bara
Bazaar.

It is only a very short distance from there to the Soortee Bara Bazaar. When the police, having spread themselves across the road, had formed up behind the procession, Mr. Tydd could, he says, hear a "row" going on at the front of the procession and a good deal of shouting. Those who were on the spot concur in saying that stones were being thrown at the upper storey of the Bazaar. We are satisfied that this is true. The stone-throwing spread backwards through the procession until it became obvious to Mr. Tydd that something had to be done. He could see stall-holders hastily trying to close their stalls and he and others actually saw several members of the crowd rush into an Indian hardware shop for the purpose, presumably, of collecting weapons and missiles. He says he waited a little time until he began to realize that things had taken a serious turn. He then ordered his small force to charge the crowd. This they did. There was a *melée* for three or four minutes or so after which the street was clear. Mr. Tydd says that this was done with much greater ease and less resistance than he had expected. The crowd scattered and upon the evidence we find that it scattered both ways, some running straight on south down China Street and either turning to the right along Dalhousie Street into the Lanmadaw quarter or going straight on down into Strand Road and others breaking back north into Canal Street and Fraser Street. That is, in outline, the story of the clearing of the Soortee Bara Bazaar on the 26th of July.

The charge.

The importance of this episode.

Besides being one of the events of this afternoon, the importance of it is twofold. First the Burmese Press⁽¹⁾ seized upon it in their editions of the following day and of the day after that to charge the police with an alleged lack of "tact" and "civility" and to fasten upon them on that account the responsibility for the disturbances that followed. And secondly⁽²⁾, a specific charge has been levelled against the European sergeants, and particularly against two of them, and the Indian constables of deliberately selecting *pongyis* for attack and of bludgeoning two of them in particular. *New Light of Burma* on the following morning actually published a series of photographs, with certain letterpress under them, two of which purported to prove the ill-treatment of *pongyis* and the other three the general high-handedness of the police. With these photographs we propose to deal

(1) See *Saithan* and *New Light of Burma* of the 27th July.

(2) See *Saithan*, *Progress*, the *Sun* and *New Light of Burma* of the 27th July; *New Light of Burma* of the 28th July and *Saithan* of the 29th July.

separately ⁽¹⁾ as there have been many rumours concerning them and we have been at some pains to inquire into them. At the moment we are only relating facts.

We have pressed Mr. Tydd, the sergeants, and other witnesses very hard about this matter of the *pongyi*. After the charge and as the crowd were running away down China Street, it naturally receded from where Mr. Tydd himself was. And, as it receded, Mr. Tydd's observation was that there was left in the road a single figure—a *pongyi*—standing on his feet with his hands to his head which was bleeding from a scalp wound. He was, it would seem, dazed. Mr. Tydd is positive that this was the only person he saw left behind by the crowd and that no one of any sort—*pongyi* or layman—was on the ground. All the police witnesses and many of the civilian witnesses too state that they saw no other *pongyis* left after the crowd had dispersed. Mr. Tydd admits very frankly that this *pongyi* in all probability did receive his wound on the head in the baton charge which had taken place a minute or two earlier. To continue Mr. Tydd's story, an Indian ran out of a shop with a piece of wood in his hands and struck the *pongyi* as he stood there. Still he did not fall. He then came up to Mr. Tydd and said to him in Burmese, "I am badly hurt, I want to go to hospital"—or words to that effect. He was then sent immediately to the General Hospital in the police van which had followed Mr. Tydd and his party to the Bazaar. As we have said, Mr. Tydd himself saw no one else at all injured in the street and at no time anyone prostrate on the ground. But he has told us that, upon inquiring among the European sergeants, he has learnt that another *pongyi* was injured near the Canal Street corner. This would probably have been behind Mr. Tydd and out of the range of vision as he was leading the police charge. This *pongyi* is said to have been seen by a sergeant to fall down, but subsequently when they went back he had got up and gone away.

The injuries
to *pongyis*.

The sergeants, too, whom we have examined have given their evidence with, as we think, complete frankness. They say that when ordered to charge they did so using their batons and that they hit whatever came in their way. But they cannot remember whom they hit in particular, which in the circumstances is not surprising. They did, however, remember seeing, almost as soon as the baton charge started, a *pongyi* sitting (not prostrate) on the ground under the colonnade on the east side of China Street with a head injury and this may well have been the same *pongyi* who afterwards spoke to Mr. Tydd and was taken to hospital. But they admit that other *pongyis* were hit in the course of the charge. The circumstances have to be borne in mind and particularly the fact that not less than half of the crowd consisted of *pongyis*. So far, therefore, two or possibly three *pongyis* are definitely involved, first, the one who came up and spoke to Mr. Tydd and was sent to hospital in the police van, secondly, the man—possibly the same man—who was seen sitting on the pavement under the portico with a head injury and thirdly the *pongyi* at the corner of China street and Canal Street who was seen on the ground but subsequently disappeared. In addition, however, to these *pongyis* we still have to deal with the *pongyi* shown in the photograph

⁽¹⁾ See page 27.

published next day in the *New Light of Burma* and the *pongyi* sitting down in photograph No. 3⁽¹⁾. We have been successful in tracing one of these men and have actually taken his evidence. We give a fuller account of what happened to them when we deal with the photographs⁽²⁾. The name of the *pongyi* in photograph No. 1 of Appendix III is U Oktama of Dalla.

There are two questions involved. First whether Mr. Tydd's baton charge was justified, and secondly, whether there is any truth in the allegation that the European sergeants or Indian constables acted with undue ferocity and particularly whether they victimized *pongyis*.

Was the
baton charge
justified?
It was.

As to Mr. Tydd's baton charge it was clearly justified. He had, in our opinion, up to that point exercised a restraint, which had he known the true facts—which he didn't—would almost have been culpable. His duty was to take such measures as were reasonably necessary to prevent the affair developing into a serious danger to life and property. It was clear, we think, that when the crowd started to throw stones and when the first signs of breaking into shops appeared, there was every ground to apprehend that, if not stopped, it might develop into something far more serious. And it became the duty of Mr. Tydd to keep the procession moving and not to give the disorder time to spread. That he could not have done without the baton charge, having regard to the small force he had. He has told us that his judgment at the time was that, if he held his hand any longer, there was danger of the wholesale looting of the bazaar and possibly of its being set on fire. That view has been confirmed before us by many other independent witnesses. He had to take his decision on the spur of the moment and the decision he took was, we think, both reasonable and right. We have had a particular witness⁽³⁾ who was an independent spectator of these events and whose evidence has impressed us. He has told us that he would have come to the same conclusion as Mr. Tydd came to. We complain in another part of this report of a tendency on the part of the police officers not to use their initiative. It would be manifestly inconsistent and unfair if, when we do find a police officer using this initiative in circumstances in which he was fully justified in doing what he did, we should not allow him the credit for it. Mr. Tydd did the only possible thing. We ask ourselves what, if Mr. Tydd had stood by and allowed the Soortee Bara Bazaar to be sacked, would have been the attitude of the Burmese and Indian public. Unquestionably the public would have said that he had failed in his duty and we can picture witnesses telling us that, if only he had ordered a baton charge—which after all, they would be quick to add, inflicts as a rule no serious injury—he would have saved the situation.

No discrimi-
nation
against
pongyis.

The street was cleared at the expense of some broken heads, of which one and possibly more were, unfortunately, possessed by *pongyis*. It is true that the *pongyi* in photograph No. 1 of Appendix III (U Oktama) got a nasty crack on the back of the head which rendered him unconscious for twelve hours and in his fall cut his eyebrow and broke or loosened several teeth. We deal with that later on. We

(¹) See Appendix III.

(²) See page 27.

(³) Witness No. 53.

cannot find that the sergeants or the police in the baton charge used any excessive degree of force. A number of people were hit hard with batons as was inevitable in such a charge.

Unfortunately *pongyis* were among them. But the evidence is that there were at least an equal number of *pongyis* and laymen in the crowd and we do not see how it could have been avoided. When a force of police charges with its batons it does not, and cannot, discriminate as to whom and what it hits any more than in a football match a player discriminates as to whom he collides with. *Pongyis* were hit and when it is remembered that many were there—some say they were in a majority—it is not surprising that a few of them suffered. And no one was, as far as we can see, very seriously injured. And, after all, it is a legitimate question to ask why *pongyis* were associated with such a crowd at all. Again when *Progress* observes in its issue of the 28th of July 1938 that "the gravity of the situation can be gauged from the fact that many persons were injured and some even killed" it is a wicked invention. No one was killed at the Soortee Bara Bazaar.

To speak of want of "tact" and "courtesy" on the part of the police and indiscriminate violence is sheer nonsense. There was no room for discrimination, and, in any case, why should there have been discrimination? As for "courtesy" or "tact" we think that Mr. Tydd and his force had shown a good deal of both in their handling of the procession higher up the road. There is no evidence whatever of any discrimination against *pongyis*. And, indeed, what possible object could the police have in doing so, unless they wanted to create certain trouble for themselves? The attitude of the Burmese press in relation to this incident was, we think, one of the worst examples of irresponsible journalism inspired by a deliberate desire to create trouble. Those are strong words but they are not too strong. We shall now go on and deal with the photographs.

The Photographs. (1)

We think it right to deal with these photographs with some care for a number of reasons. They and the letter press which accompanied them, together with the various contemporary articles in the Burmese press charging the police in general, and the European sergeants in particular, with intemperance in their handling of the crowd at the Soortee Bara Bazaar on the 26th of July, contributed in themselves in no inconsiderable measure to the inflammation of public opinion in Rangoon and in the Districts against the police which followed the events of that afternoon. It is a fact that on the evening of the 26th of July the indignation of the crowd against the Mahomedans which had inspired the procession and the events in Pagoda Road veered strongly against the police and this continued throughout the 27th of July. The effect which these photographs and the exaggeration of the Press generally had is most marked in the Districts, where rioting started in many places almost simultaneously with their receipt from Rangoon. Secondly, we think, from the evidence of the letterpress beneath them,

Importance
of the photo-
graphs.

(1) These photographs appeared in the *New Light of Burma* and the *Sum* and are reproduced with the letterpress beneath them as Appendix III to this report.

that they were unquestionably published with the object of inflaming public opinion. Thirdly, they have, even in official documents, been described as "fakes" and it is just to the newspapers concerned and to the public that so serious a charge should either be proved or disproved. Finally, it is a measure of fairness to the police themselves that the photographs and the conditions in which they came into existence should be fully examined. We have, therefore, devoted some energy to tracing the history of these photographs. The first three (Nos. 1, 2 and 3) appeared in *New Light of Burma* and the last two (Nos. 4 and 5) in the *Sun* on the 27th of July, on the morning after the affair at the Soortee Bara Bazaar. It is to those in the *New Light of Burma* that we have devoted particular attention and especially to those depicting the prostrate *pongyi* (No. 1) and the sitting *pongyi* being "threatened" by the batons of two policemen (No. 2). The picture of the prostrate *pongyi* (No. 1) is a particularly unfortunate one, as to all outward appearances he is dead—and in the Districts it was so represented—whereas, in fact, he had only received a crack on the head and lost a few teeth.

We have examined all the sergeants and constables who figure in the photographs who can be identified—the two constables in photograph No. 2 and the two nearer sergeants in photographs Nos. 3 and 4. They have given their evidence frankly and satisfactorily and we are not prepared to find that there was any predilection to offer any violence to *pongyis* in particular nor that there was any unnecessary force having regard to the occasion and the circumstances attending the charge.

The photographs were not "fakes."

To come now to the photographs Nos. 1, 2 and 3 themselves. We have examined the photographic staff of the *New Light of Burma* and the reporter on the spot. We have secured the actual negatives of the photographs and we have had enlargements made. All these will be found among the exhibits ⁽¹⁾ to the evidence we have taken. As to the allegation that these photographs are "fakes" we say at once that they are not. They are "fakes" neither in the sense that they are "got up" to represent events that never happened nor in the sense that, while representing actual events, they do not represent the events to which they are attributed. The worst that can be said about these actual three photographs themselves—we shall have a good deal more to say about what is written under them—is that they portray events taken out of their context. But that after all is a defect inherent in any stationary photograph and can only be cured by moving photography. As regards photograph No. 2, this is an extreme enlargement of only a small part of a larger photograph, a circumstance which places it rather further still out of its context. Moreover, in the original picture as reproduced in the *New Light of Burma* the two policemen and the sitting *pongyi* are enclosed in a white circle in order to focus attention upon them. This again tends to distort the photograph. But when all that has been said, we are satisfied that the photographs are actual photographs of actual scenes in China Street at the Soortee Bara Bazaar on the afternoon of the 26th of July. They are not, therefore, "fakes."

⁽¹⁾ Exhibited to the evidence of U Chit Maung, Editor of the *New Light of Burma*

As to the first photograph of the prostrate *pongyi*, we have been fortunate, with the assistance of a learned advocate to whom we are indebted, in identifying the *pongyi* himself. He is U Oktama, an *Upazin* of the Dama Wadi *Kyaung*, Dalla, and he has given evidence before us. We are satisfied from his evidence that he was knocked down during the clearing of the street by a blow with a baton on the back of the head—the mark is still there—and that in falling on the pavement he cut his eyebrow and damaged his teeth. He was severely, but not dangerously hurt and spent sixteen days in hospital. He remembers being struck by, he thinks, a European sergeant but he was unconscious thereafter for some twelve hours. The incident took place towards the Dalhousie Street end of China Street and the man was taken to hospital by U Ba Hnin, the reporter of the *New Light of Burma* and his friends. We accept all this. But it proves no more than that he was either unfortunate or behaving most improperly in being among such a crowd. We find some difficulty in accepting in its entirety his story that, having visited the Shwedagon Pagoda for the purpose of worship only, he joined the procession merely because it was going the same way as he was going in order to get to Dalla. Neither can we accept it that the crowd was as orderly and peaceful as he would make out. But the fact remains that the photograph is a real one.

The real meaning of the photographs.

As regards photograph No. 2, this, as we have said, is only part of a photograph much enlarged. We are satisfied that, while it is a genuine photograph, it justified no such conclusion as is drawn from it by the letterpress above which it appears. The policeman on the left—facing the photograph—is running about his business with a plank of wood in his left hand and his baton in his right. We have examined him—he is P.C. 1260—and are satisfied that he had nothing whatever to do with the *pongyi* sitting down. We have also examined the other policeman—P. C. 999. He too is running across the pavement about his business. He is well in front of the *pongyi* and knows nothing whatever about him. The enlargements of the photograph make it quite clear that P.C. 999 is not in any way threatening the *pongyi* with his baton nor does the *pongyi* in the photo show any signs of having been "beaten so as to fall down."

As regards the third photograph, it is a simple picture of the sergeants running along the streets clearing the pavements. The same applies to photograph No. 4. Photograph No. 5 is of the crowd running away with, no doubt, the sergeants behind them. There is nothing in the least mysterious about these photographs. Except possibly for the first one, they appear to us to show no more than normal incidents to be expected when a street has to be cleared by the police. Even the first one, in its proper context, shows no more than that a *pongyi* in the crowd received an injury by a blow on the head. None of these photographs, in our view, in any way supports a charge against the police either of the improper use of force or of any discrimination against *pongyis*. We regret that *pongyis* should have been injured as we should regret the injury of laymen. But we cannot regard *pongyis* who are indiscreet enough to join a procession of the kind that this one was as immune from the ordinary incidents of a necessary baton charge by the police.

The use to which the photographs were put by the Press.

The photographs then, were not " fakes " and they do not, in our opinion prove, any excessive violence used by the police having regard to the circumstances. But what we consider to be the really serious aspect of these photographs is the use to which they were put by the *New Light of Burma* and the *Sun* respectively, as is evidenced by the letterpress beneath them. The letterpress is reproduced in Appendix III. We think that no responsible newspaper could properly have permitted such a description to appear beneath the photographs. The Editor of the *New Light of Burma* has told us that he left the letterpress to the reporter and did not trouble to check what he had written. The Editor himself had received an account of what happened during the charge which was obviously incomplete and prejudiced and he was satisfied to allow the reporter to describe the events in the photographs. This never should have been allowed. The letterpress speaks for itself. As we have said the photographs are genuine. But, coupled with the letterpress, they constitute a wicked misrepresentation of the incidents that took place and, in no small measure, they contributed to the inflammation of feeling and to the causes of the subsequent rioting. We have no doubt whatever that the photographs were exploited by the *New Light of Burma* and the *Sun* regardless of the truth, for the purpose of fastening on the police and upon the Government a charge of the oppressive use of force. Such a charge is quite unjustified. If any part of the subsequent loss of life and of property is attributable to these photographs and the use to which they were put (as we think was indirectly the case) we think those responsible for the conduct of these two newspapers must bear a heavy weight of responsibility—not least to their own countrymen who suffered. In making these severe observations we desire, to add that, in our view, U Sein, the Editor-in-Chief of the *New Light of Burma*, whom we have examined, is a responsible and temperate gentleman who will be as profoundly shocked as we are to know of the use to which the photographs that appeared in his paper were put. The fault lies not so much with him as with the pernicious system of having an Editor-in-Chief behind whom irresponsible and ill-disposed underlings can shelter. We hope he will not allow his name, age and position to be exploited in this way again.

The affair at the Thayettaw Kyaungdaik, 26th July.

That was the end of the matter at the Soortee Bara Bazaar. Mr. Tydd went back to the Mogul Guard to report to the Commissioner, who in the meantime had arrived. He got there about 5-30 p.m. and found that the Commissioner of Police had already warned the military police to move and was in the act of speaking to the Brigade Major at Mingaladon to get the assistance of the regular soldiers there. There he learned that stones were being thrown at cars at the corner of Godwin Road and Commissioner Road by a crowd which had collected opposite the Thayettaw Kyaungdaik. He went off then back to the Soortee Bara Bazaar where all was quiet but, owing to a rumour—quite untrue—that had got about that a *pongyi* had been killed there, a good deal of apprehension was felt lest the crowd might return. Having picked up the European sergeants he had left there, he took them in a bus to the Godwin Road—Commissioner Road corner to which the scene now shifts. On the way he heard that Constable Gurbat Singh

The murder of P.C. Gurbat Singh.

had been "killed"—he did not, in fact, die till later—at the Godwin Road—Canal Street corner.

Arrived there, he found a crowd of Burmans and *pongyis* at the Godwin Road entrance of the *Kyaungdaik*. There are, in fact, two entrances into the *Kyaungdaik* in Godwin Road which we will call the northern and southern entrances. This was at the northern entrance. The crowd had stones and the road was littered with stones. It was evident what had been going on. Mr. Tydd with his party left the bus on the corner of Godwin Road and Commissioner Road and, largely because of the assault on P. C. Gurbat Singh at the other end of the road, started to go down Godwin Road to investigate. On the way they had to pass the northern entrance and stones and abuse were hurled at them. When the sergeants advanced, the crowd retreated into the *Kyaungdaik* and continued to throw stones from behind the wall. But by this time another crowd had debouched from Canal Street into Godwin Road at the junction of these two streets—at the spot in fact where P. C. Gurbat Singh was attacked. Mr. Tydd and his party, therefore, found themselves between the two hostile crowds the new crowd in front and the crowd at the northern entrance of the *Thayettaw Kyaungdaik* behind them. The latter crowd had, of course as soon as his back was turned, emerged into the road again. So Mr. Tydd decided, in an awkward situation, to return to the Godwin Road—Commissioner Road corner. There was a feint charge by the sergeants on the lower or southern crowd to keep them back and another on the crowd which was by this time back on the road outside the northern entrance of the *Thayettaw Kyaungdaik*. The manœuvre was skilfully executed and successful. But on the way a sergeant—Sergeant Quinlivan—tripped and fell and was immediately set upon by four or five Burmans. His shoulder was smashed by an iron bar and he was stabbed several times in the back. But he recovered all right. Having regained his position at the Godwin Road—Commissioner Road corner, Mr. Tydd and his party remained there for a quarter of an hour or so, during which time the Premier came by in his car and stopped to enquire what was going on. Then very shortly afterwards a party of twenty-five military police arrived to relieve him and subsequently a further twenty-five military police came on the scene. The European sergeants then returned to the Mogul Guard.

The injury to Sergeant Quinlivan.

Those are the events as they occurred in Godwin Road on that evening. If this account is true—and we cannot suppose it is not—then there was no actual contact between the police and the crowd at all, except possibly for the stabbing of Sergeant Quinlivan. The sergeants were, at this episode, armed with revolvers which had been fetched for them from the Mogul Guard, but none were fired, although at one time the party was in a difficult position. The nearest approach to the use of a revolver was that, when Mr. Tydd and two or three sergeants with him were picking up Sergeant Quinlivan from the ground, they drew their revolvers to keep the crowd away. We cannot help feeling that the sergeants showed considerable restraint. There can be no doubt but that on this occasion the *Thayettaw Kyaungdaik* was being used as a stronghold from which both *pongyis* and laymen made sorties on the police and to which they retired for sanctuary. It is a glaring example of the paradox which has struck us most forcibly

Police restraint.

The use to which the *Thayettaw Kyaungdaik* was put.

throughout the experiences of our inquiry, that the Burmans should on the one hand entertain, as they do, a sincere reverence for their Pagodas, their *Kyaungdaiks* and their Order of Monks and yet tolerate, almost without protest, their use for purposes such as this. For every Mosque that has been desecrated by Burmans during these riots there are many Pagodas and *Kyaungdaiks* that have been as surely desecrated by the practices for which they have been used by the irreverence of Buddhists themselves and even by their *pongyis*. There could be no surer way than this, in the long run, to weaken Buddhism itself in the country.

We have dealt with these three matters—the affairs at the Soortee Bara Bazaar, the Thayettaw *Kyaungdaik* and the matter of the photographs—at some length because they had a considerable effect upon later events and because they have been made the basis of charges against the Rangoon City Police which are altogether without foundation.

CHAPTER X.

Events from the 27th July onwards.

There is one matter which we ought to pause and consider at this point before going further. As we have already pointed out, it was on the 21st of July that the decision was taken by the General Council of the Thathana Mamaka Young Sanghas' Associations of Rangoon to hold the meeting at the Shwe Dagon Pagoda on the 26th of July. It was then that the agenda was settled. There were, we understand, four Mamaka Associations at that time co-operating together. They were the Bahan Mamaka Association, the Thayettaw *Kyaungdaik* Mamaka Association, the Kemmendine Mamaka Association and the Pazundaung Mamaka Association. The executive body which represented this combination of Mamaka Associations was called the General Council of the Thathana Mamaka Young Sanghas' Associations of Rangoon and the active members of this General Council were the Thadu Sayadaw ⁽¹⁾ (U Pyinnayathami) of Kemmendine, U Withokda, U Kumara ⁽²⁾, U Teza ⁽³⁾ and U Nyea ⁽⁴⁾. On the other hand there was another Mamaka Association, called the West Rangoon Thathana Mamaka Association, with its headquarters at the Bagaya *Kyaungdaik*. We understand that the General Council of the Thathana Mamaka Young Sanghas' Association of Rangoon were supporters of the Coalition Government under the Premier Dr. Ba Maw.

Was the Pagoda meeting convened with the connivance of the Premier or Government?

It has been necessary for us to explain this because it has been more than once suggested to us—and we know that it has been a matter of gossip in Rangoon—that the meeting of the 26th of July was convened, not merely by the General Council of the Thathana Mamaka Young Sanghas' Association, but by them at the instance of, or in collusion with, the Premier. We should not have mentioned this had it not been for the persistence of this story. It is put in this rather fantastic way, that the Premier engineered the meeting in order that, at the instance of "his own *pongyis*", he might get the credit of suppressing Maung Shwe Hpi's book and punishing its author, which step he was not prepared to take at the dictation of a hostile press. It is, as we say, a little difficult to follow. It is not easy to see why, when the Premier could have obtained all the credit he wanted by just proscribing the book, he should have resorted to this feat of contortion in order to bring pressure to bear on himself. It has been supported by no actual evidence before us and we regard the whole suggestion as fantastic and without foundation. If the Government had been in a position to proscribe the book, they would have done so and thereby got credit for themselves. They had, as far as we can see, nothing to gain by convening a meeting of this kind, which included in its agenda a number of other highly controversial matters. And we are entirely satisfied that, at the date on which the meeting was convened, the attention of the Home Minister had not been drawn to the book. That,

(1) The Chairman of the Meeting on the 26th at the Shwedagon Pagoda.

(2) The speaker who was responsible for the procession going out.

(3) One of the most violent speakers at the Pagoda.

(4) The Secretary of the meeting at the Pagoda.

indeed, is one of the matters of which we complain. The whole suggestion is, we think, absurd.

Outburst
against the
police in the
Burmese
Press.

It is necessary now to continue with the narrative of what happened after the 26th of July. As we have already said the Burmese Press⁽¹⁾ came out with flaming headlines and photographs on the following day charging the police with highhandedness and brutality, particularly towards *pongyis*. Stories of *pongyis* killed were spread and, we shall see, totally untrue rumours were put into circulation of attacks by Indians on the Sule Pagoda and of impending attacks on the Shwedagon Pagoda. All of these served to increase the tension and we shall see how, when they reached the Districts, they were in place after place the signal for the outbreak of rioting. The very least that can be said of these newspapers on the 27th of July and during the ensuing days is that they gave a deplorable exhibition of irresponsible journalism. That is a very charitable view. We have been told by two Editors that their papers contained "news". That, however, is not true. They contained pure propaganda, prior to the 26th against the Muslims and on the following days against the police as well.

The condi-
tion of the
City from the
evening of
the 26th till
the morning
of the 28th.

It is true, we think, to say that on the night of the 26th of July feeling veered against the police⁽²⁾. But we do not think that, on that account, it either ceased to be anti-Indian or that the general disturbance which had been provoked by the procession on the 26th had subsided. Though the day and night of the 27th and the early morning of the 28th were quiet by comparison with the two days which followed, it is clear, in the light of the events which actually happened, that it required next to nothing to provoke a general outbreak. During the night of the 26th, the day and night of the 27th and the early morning of the 28th of July, a considerable amount of looting, assault and damage was done to Indian shops and Indians. Between 7-30 p.m. on the evening of the 26th and 8 a.m. on the morning of the 28th, twenty-seven cases of looting, nine cases of attacks on Indians and a number of cases of damage to Indian property were reported at the police stations. Actually, from the evidence we have received, we think that a good deal more than this went on, for much was not reported at the police stations and much though reported was, we think, not recorded. We have received a great deal of evidence⁽³⁾ which shows that the looting and assaults throughout the town were on a considerably larger scale than was recorded in the police reports. On the night of the 26th of July very great tension prevailed at the Indian Iron Bazaar from about 11 p.m. onwards and at 2 a.m. on the 27th it was threatened by a crowd of armed Burmans. Nothing serious happened, however, owing to the presence of a strong force of military and civil police. A military march through the Lanmadaw Quarter took place early in the morning of the 27th. It was, however, during the night of the 27th that the renewed looting and assault principally took place. During this period the military police were made use of and we find that up to the early morning of the 27th there were a maximum of about 175 men on duty

Use of the
Military
Police.

(1) *The New Light of Burma*, the *Sun*, *Bandoola*, *Saithan*, *Progress* of the 27th July.

(2) Besides the murder of Police Constable Garbat Singh at the corner of Canal Street and Godwin Road there were three assaults on policemen during the evening and police buses conveying reinforcements were generally stoned.

(3) Our Rangoon witnesses Nos. 70 to 109.

in the city. These were, with the exception of a few, withdrawn during the day time of the 27th. On the night of the 27th about 160 men were on duty until early on the 28th. It is fair to say, however, that throughout the day and night of the 27th, while the disorder had by no means subsided and had by no means lost its anti-Indian character, it probably took the form more of looting by isolated gangs of hooligans than of organised and general rioting. It is not true to say, as has been represented to us, that a stage was reached on the evening of the 26th when the first phase was entirely over, that there was complete peace on the 27th and that the disorder broke out again afresh on the morning of the 28th for entirely fresh reasons and causes. That is not true. It was really one series of events.

We particularly observe the entry made in the Log Book of the Mogul Guard at 9 a.m. on the 27th of July that "all civil police pickets have been withdrawn and are standing by in their respective police stations", because this has a bearing on a more general comment we shall have to make later on upon the policy pursued by the civil police. In more than one place in the police reports of Rangoon it is mentioned, with something like satisfaction, that the civil police had been withdrawn from the streets.

We reach, then, the morning of the 28th of July with the conviction that, notwithstanding the comparative lull of the 27th, the storm which had started on the 26th had nevertheless been gathering force. But, the actual occasion of the fresh outbreak of general rioting on the 28th was, we think, the retaliation by the Indian population on this morning. There is a great deal of evidence that crowds of Indians set about operations in the area of 27th and 28th Streets, Dalhousie Street and Mogul Street. It is impossible to get the exact sequence of events because of the constitutional vagueness of witnesses as to times. But a *pongyi* ⁽¹⁾ having, as he tells us, pursued his begging round *via* Fraser Street, 24th Street, Dalhousie Street, 25th Street, Edward Street, Merchant Street, had arrived at the top of 27th Street when he was set upon by Chulias with iron rods and stabbed. He doesn't remember very much about it as he was pretty badly hurt and was taken to hospital unconscious. Within a short time an attack by a mob of Indians took place on a tram in Mogul Street, which was occupied by a Burmese woman and a *pongyi*. The Burmese woman was rescued, with considerable courage, by a European officer of the Rangoon Electric Tramway Company. The *pongyi* ⁽²⁾, however, was not so fortunate, as he was dragged from the tram, his arm and ribs broken and he was altogether badly injured. He too was taken to hospital. We have a good deal of evidence that about the same time other assaults on a considerable scale by Indians were going on in this area and that there was more than one case of attack by Indians on Burmese shops. The truth is that, though the original disturbance had not died down, it was the Indians who broke out in this area on this morning.

Morning of
the 28th July.

Attack on
U Waya-
meinda.

Attack on U
Tezawbatha.

This news spread like wildfire and within half an hour Burmans were attacking Indians and looting shops almost all over Rangoon—in Kemmendine, Pazundaung, Tamwe, Setsan, Fraser Street, Sparks Street,

The rele-
vance of this
Indian out-
break.

(1) Rangoon witness No. 130 (U Wayameinda of the *Thayettaw Kyaungdaik*).

(2) Our Rangoon witness No. 64 (U Tezawbatha).

Thompson Street, Strand Road, Dalhousie Street, Sule Pagoda Road, 24th Street, 27th Street, 32nd Street, 39th Street and in many other areas and places. While we have been obliged to attribute to the Indian community in this area the immediate responsibility for the outbreak on the morning of the 28th, the incident is of interest for another reason namely that it is the only case in the whole of Burma which we have come across in which there was a deliberate and systematic attack by Indians on Burmans. We give it its full force. But, though it was responsible for what immediately followed, it was not we think responsible in any general sense for the rioting and disorder in Burma as a whole which followed.

Exhaustion
of military
police re-
serves at
11-30 a.m.

We have already observed that the civil City Police had been virtually withdrawn from the streets and were at their police stations and also that all but fifty of the military police had been withdrawn from the City on the evening of the 27th. Between 11 and 11-30 a.m. on the 28th, two hundred and twenty odd military police were brought back from the military police lines into the City. This had the effect of completely exhausting *all* reserves of military police in Rangoon and even the men who were available had only been provided by withdrawing them from Syriam, which, we cannot help feeling, was a necessary but dangerous step. However, another hundred arrived from Syriam at 1-30 p.m., two hundred from Pyawbwe at midnight and a hundred from Mandalay at 7 a.m. the next morning. It shows, nevertheless, the narrow margin of reserve with which to meet any sudden emergency and it seems to us to show, too, that the full seriousness of the position was not even yet fully understood. It, perhaps, should be added that a little over two hundred and fifty regular soldiers were also sent to the Mogul Guard between 11 a.m. and 1-30 p.m. on the 28th. At that point there seem to have been a little over four hundred military police and two hundred soldiers on duty in the City.

It is not possible, or necessary, for us to go in detail through the volume of evidence we have received of incidents, looting, assaults and murders during this and the ensuing days. Our duty is to consider it all and draw our conclusions from it. We shall, therefore, mention specially only those incidents and events which are outstanding.

The attack ?
on the saw
mills at the
corner of
Keighley
Street and
Canal Street.
The attack
on Saya
Kywe's
house in Sule
Pagoda
Road.

At 11-30 a.m. the saw mills at the corner of Keighley Street and Canal Street were burnt by Burmans after a fight with Chulias. We have a full account of this from a reliable witness⁽¹⁾. It is a shocking instance of destruction by a band of Burmans under the command of a *ponggi*, who actually directed the operations. Then at about midday occurred the incident in Sule Pagoda Road at the house of Saya Kywe, a Burmese Doctor. This was a case of an attack by Indians on the house in which a number of Burmese refugees were collected. Saya Kywe fired his gun and killed an Indian⁽²⁾ but eventually the police succeeded in evacuating the Burman occupants of the house and restoring comparative order.

(1) Our Rangoon witness No. 122. A short account of this incident is given in Appendix IV.

(2) The official account given by the Commissioner of Police shows only one Indian killed. But we have received an account from two eye witnesses who say that two men were killed and two wounded. This, we think, is probably the more accurate account. We understand that no proceedings have been taken against Saya Kywe.

The report of the Commissioner of City Police at this point says that "there were pickets of the Army and Military Police right along Dalhousie Street, but this did not prevent looting and rioting in the side streets." And in his evidence before us the same officer observed "as soon as we were issued with shot guns we had no more resistance. It had a tremendous psychological effect both on the crowds and upon the police themselves." In the light of these two statements, we draw attention to what strikes us as one of the most distressing features of the whole affair which has given rise to a perfectly just complaint that the victims of the riots and peaceful citizens did not receive from the police the protection which in a civilized city they were entitled to expect. We mention it at this point because, as the Commissioner says, the Army and the Military Police were holding portions of the main streets while the side streets and remote areas were left to look after themselves, and the great bulk of the civil police, if not actually confined to their police stations, were impotent to help in any way. Military police and soldiers may be used to hold important streets and strategic points strongly or to patrol areas. But they could not give permanent protection in side streets and in remoter areas where one or two civil policemen with shot guns could. The truth is that, so far as Rangoon is concerned and while the disorders were at their height on the 28th and 29th, the civil police, as a matter almost of policy, were, because of their inadequacy of equipment, withdrawn almost entirely from the scene of operations. The Rangoon Riot Scheme almost in terms so provides. We mention this now because it is responsible for a good deal that happened both in Rangoon and elsewhere.

The desertion of the side streets.

By this time the movement had become open warfare by Burmans upon Indians wherever the latter could be safely assaulted, in the streets or in their houses, their shops looted and Mosques attacked. Neither women nor children were spared. We have seen photographs of the corpses of Rangoon and they are pathetic.

The outstanding events of the middle of the day and the early afternoon were the dreadful attacks on Muslims and Indians generally which took place in Myenigon and Sanchaung villages and continued into the 29th. At about 2 p.m. a mob of Burmans succeeded in shutting a party of Muslims in the Myenigon Mosque and setting fire to it⁽¹⁾. But for the arrival of Major Chappell in the nick of time, hastily summoned from the military police lines with a few recruits, orderlies and other miscellaneous men he had managed to find in the lines, these unfortunate Muslims would undoubtedly have been burnt alive. The episode is also interesting as it constitutes the occasion on which the first shot was fired by the police in Rangoon, and then only by accident.

The attack on the Myenigon Mosque and the firing of the first shot in Rangoon.

We again find a note by the Commissioner of Police emphasising the impossibility of helping people in side streets. He says at this juncture :—

"The junction of Bagaya Road with Lower Kemmendine Road and Shan Road were picketed but the side streets contained groups of 20 to 30 Burmans armed with sticks and *dahs*

Inability of the police to help Indians in side streets and outlying parts.

⁽¹⁾ A fuller account of this is given in Appendix V. It shows the helplessness of the outlying parts of Rangoon at this time.

ready to commit any mischief they could. The position by 7 p.m. throughout the whole of the City was that the main roads were controlled by armed pickets and that rioting and looting were taking place in the side streets. This rioting and looting was, however, definitely limited by the fact that large bodies of rioters could not move about and the looting in any one street was confined to persons resident in that locality."

This latter reflection is cold comfort to those unfortunate persons who had the misfortune to be "resident in that locality." But it confirms the evidence that we have ourselves received that little, if any, protection was being given—or, having regard to the ineffectiveness of the civil police, could be given—to the unfortunate Indians who were at the mercy of the mob in each particular street or particular locality not on a main street. On this afternoon and evening we have traced looting, assault and murder at Myenigon village, Sanchaung Road, Kyaikkasan Road, the Singapore Quarter, Hteedan, Obo Street, 42nd Street, Culvert Road, Pagoda Road Station, Keighley Street, Tamwe, Hanthawaddy Road, Bow Lane, Pazundaung, Windsor Road, Kamayut, Sinmalaik Quarter, Windermere Road, Strand Road, Kyeiktan, Yedwingone, Cohen Street, Transport Road, Minlan Street, Boundary Road, Aungthabye Street, Kyindaw Street, Bigandet Street 25th Street, Aungzeya Street, Shan Road, Mogul Street, Evanson Street, Ohn Gaing Road, Mingala Street, Bagaya Road, Thompson Street, 47th Street, Dufferin Street, Shinsawbu Street, Vinton Street, Maubin Street, Central Street, Monkey Point Road and in fact in almost every quarter of Rangoon.

The distressing fact that *pongyis* were prominent in the looting, assaults and murders.

It is distressing to have to record that in the majority of cases which have been specifically brought to our notice *pongyis* either were present among the mobs of looters with *dahs* and other weapons in their hands or that, worse still, *pongyis* themselves were responsible for maiming and killing defenceless Indians. We give four instances out of the many we have received and we believe that they are true.

Examples.

On the 28th of July ⁽¹⁾ one witness describes how she, three other women, a man and a boy were in their house at Sanchaung village at about 10 a.m. A crowd of two or three hundred, which included armed *pongyis*, came and broke down the doors. A *pongyi* with a *dah* cut the witness and inflicted on her the most fearful injuries which we have seen. The three other Hindu women were all said to have been killed by *pongyis* and so was the boy of twelve. On the 27th of July an Indian shop keeper ⁽²⁾ with his assistants took refuge in the house of a Burman. They were kept there till the early morning of the 29th when he became afraid to keep them any longer. At dawn these unfortunate men tried to make their way to safety but found the house watched by a boy with a bell. When they emerged the bell was rung, a mob comprising *pongyis* was summoned and they were chased and five of them killed and one injured. At the Mosque at the corner of Ohnbin Street and Strand Road in broad daylight on the 28th of July a

⁽¹⁾ Rangoon witness No. 115.

⁽²⁾ Rangoon witness No. 85.

hundred Burmans led by four *pongys* with spears broke in, killed four men in the mosque and destroyed everything they could find. Our witness ⁽¹⁾ escaped by hiding beneath a bier.

Perhaps the worst case, ⁽²⁾ if one case can be said to be worse than another, was that which took place at a house in 11th Street at 3 p.m. on the 28th of July. There were several people in the house, a Muslim, his wife, five children, a nephew and another man, ten people in all. It was a pucca house. The door was forced open by a gang of Burman and *pongys*, about ten of them in all, with *dahs* and knives. The wife, who had two days earlier given birth to a child, was in the inner room. This was broken into and the baby stabbed to death. The woman herself was wounded while defending the children. The nephew was horribly mutilated. His hand was hacked off, he was stabbed in the stomach and otherwise terribly injured. The man who cut off the hand was a *pongyi*. This case has, in common with many other cases, not been reported to the Police. It goes without saying that the whole house was looted and a very considerable amount of property removed, including some Rs. 30,000 in promissory notes. But this latter statement has, of course, not been strictly proved.

These instances could be multiplied many times. But, however, many instances we give we shall ultimately come back to the conclusion that the Indians in Rangoon were virtually at the mercy of armed mobs and armed hooligans except where, as in the centre of the City, they were numerically strong or where they happened to be under the eye of military police or military pickets. This has given rise to the reasonable complaint before us that they were denied the protection of the law and its forces. If that is not in itself true, it is an incontrovertible fact that the forces of order were insufficient to protect them. At the mercy of the mob.

The Thayettaw *Kyaungdaik* at this time was a veritable stronghold of lawlessness and the Bagaya *Kyaungdaik* seems to have been little better. At about midnight, on a signal hammered on electric standards—a common form of signal which we have met with in several places—a “squad” of *pongys* emerged armed with *dahs*. They were, however, met by a military picket and ordered by a Magistrate to return. They did so. We are given to understand that it has been a subject of vexation to Buddhists in many places that guards should have been placed upon *Kyaungdaiks*. This to us is incredible. No evidence could be stronger than the evidence we have had to the effect that the Thayettaw *Kyaungdaik* on the 26th and 27th was being used—or rather misused—as a fortress of hooligans and worse, both *pongys* and laymen. And in the Districts we find much the same mentality, which is content to suffer any desecration of its sanctuaries by the misuse of wrongdoers rather than to assist the police in protecting the lives and property of citizens. This mentality really must be cured somehow. Again the misuse of the Thayettaw *Kyaungdaik*.

On the 29th of July, there were we think signs of improvement, though looting and assaults still went on. It is fair to say that there was looting on both sides, for many Indians were found looting when they could do so with safety. Throughout the day and night of the 29th Signs of improvement on the 29th of July.

⁽¹⁾ Rangoon witness No. 117.

⁽²⁾ Rangoon witnesses Nos. 120 and 121.

isolated cases of looting, assault and murder went on, with little variation. We have already noticed that a shot had been fired at Myenigon village on the 28th of July by accident.

The first firing.

It was not until 2 p.m. on the 29th that a shot was fired in earnest. This happened at Bow Lane when a party of Burmans were found looting. No one was hit. Later between four and five in the evening two parties of Indians were fired upon, the one engaged in looting in Dalhousie Street near the Sule Pagoda and the other similarly engaged in 52nd Street. The nett result was that one was killed and three, and possibly more wounded. At 5-30 p.m. a further round was fired at Burmans in Dalhousie Street. At 9-30 p.m. nine rounds were fired at a party of Indians looting in Lattar Street, of whom two were killed and four wounded. At 11-15 p.m. four rounds, with no casualties, were fired from a distance at a Burman crowd in Bagaya Road. We discuss separately ⁽¹⁾ the question of whether strong measures were taken early enough in Rangoon. It is enough to say here that matters began to improve rapidly from the afternoon of the 29th and that the history of the rioting in Rangoon proves no exception to the general experience we have had throughout that—if we may misuse a familiar expression—“a shot in time saves nine”. It has led to misunderstanding that the first three occasions of serious firing in which more than one round was fired should have been upon Indians. As we have said Indians *were* looting in their strongholds in the centre of the city. As yet only the main streets in and near the centre of the city were being held by soldiers and military police and that is the explanation of why they came into conflict with Indians first. But it provides also a commentary on the fact which we have pointed out more than once that the victims in side streets and in outlying parts had been left almost entirely to their fate. There was, we need hardly say, no deliberate selection of Indians to fire upon, though the suggestion has been made.

Continued improvement in the situation.

The position continued to improve except at Sanchaung where several Indians were assaulted and a car was set on fire during the morning. Throughout the day escorts were provided for the municipal conservancy coolies working in Sanchaung and Obo. A number of dead bodies were collected and buried. We have succeeded in tracing twenty-three Indian corpses which were buried in the Tamwe Cemetery without burial passes ⁽²⁾. We do not complain of this because it was an emergency measure which was highly necessary. These men did not, we think, pass through the hospital but were collected from the streets and it is, in our opinion, probable that this number has to be added to the official list of Rangoon casualties. Burmans were evacuated from Indian areas and Indians from Burman areas.

The area round the Soortee Bazaar, Kemmendine, had been very disorderly right from the commencement of the riots. This was probably due to the agitation by the stall-holders against the Soortee Bazaar Company for a reduction in their stall rents which had started earlier in July ⁽³⁾. There had previously been reports that Burman villagers from Eywa in Insein District had come over to Obo to loot.

⁽¹⁾ See page 236.

⁽²⁾ See Rangoon witness No. 128.

⁽³⁾ See page 45. Interim Report.

About 11 a.m. the Military Police guarding the bazaar saw some looting going on within the range of their rifles. They opened fire and killed three and wounded two others.

The night of the 30th of July was quiet all over the city except for some isolated stone throwing in the Cantonment area. On the morning of the 31st of July a trolley bus service was started along Merchant Street and Canal Street and gharries, rickshaws and buses were plying the whole day. Conservancy coolies worked without police protection.

30th July continued improvement.

The night of the 31st of July was again quiet. In the morning the City was normal with buses, trams and other traffic plying and people of all races were beginning to get about their normal business. About midday there were two assaults on Indians in Lanmadaw and in the evening the arrival of a police party prevented fighting between Indians and Burmans at Botataung. This fighting however, was largely the result of a Special Police Officer ⁽¹⁾ attempting to collect money from an Indian stall-keeper. One Indian was wounded, and later in the evening the Burman Special Constables in the Botataung area so disturbed the neighbourhood that all Special Constable enlistment tickets and armlets were called in and they were disbanded. Except for this, the night was completely quiet and the first phase of the riots in Rangoon ended.

1st August.

It was by no means possible to say that, even after the actual riots had died down on the 1st of August, tension in Rangoon was relaxed. The disturbance in the Districts was still going on, the Indian population of Rangoon was largely in terror and it remained uncertain for a long time whether trouble might not flare up again. Things did, however, tend to become more settled and by the end of the month there were even signs of returning confidence in the city. By the 17th of August it was possible for his Excellency the Governor to observe that the rioting had finished.

But proof that acute tension between the two communities continued was supplied on the 2nd of September when a comparatively small affair in Ahlone all but started disturbances on the same scale again. One of two boys ⁽²⁾, on their way from looking after their bullocks, was attacked by a small crowd of thirty Burmans accompanied by a *pongyi* near the Chinese High School in the Kemmendine Road. Both boys escaped. This soon became known. The injured boy first took refuge on a tram and ultimately was sent to the Edward Street refugee camp in a rickshaw. He was probably seen on the way and the story spread. But it had the result of inflaming the temper of the Indians in the central parts of the City and the result was that there were a number of attacks by Indians on Burmans throughout the rest of the day. We need not deal with these events in detail. The result was that before the end of the day four Burmans had been killed and seven injured and one Indian killed and five injured. On the 3rd and 4th of September attacks by Indians on Burmans and *vice versa* continued. On the afternoon and evening of the 4th in particular there was another orgy of murder, but by individuals and groups, which the police and the military were unable to stop. On the 5th of September the same state of affairs continued.

The renewed rioting on the 2nd of September.

⁽¹⁾ We deal with the Special Police Officers in Rangoon at page 251.

⁽²⁾ Rangoon witnesses Nos. 110 and 111.

At about 2 p.m., however, the military police were forced to fire six rounds at opposing crowds of Burmans and Indians near Canal Street. But no one was killed. For several days after this isolated murders went on. But the disturbance never assumed the proportions of the earlier rioting of the concluding days of July, partly, no doubt, because the civil and military police were more prepared and better equipped to deal with it. We do not propose to narrate each particular incident as they are of no particular interest.

This second phase of the riots in Rangoon was undoubtedly part of the back-wash arising out of the earlier disturbances which began in July. Though a considerable period had intervened between the two outbreaks, they were both due to the same causes of communal suspicion released by Maung Shwe Hpi's book and artificially fostered by the Press and other agitation. And these second riots have, as we know, been succeeded by further phases of popular excitement developing into a wide spread and dangerous movement towards social mischief in whatever form it can be most easily provoked. That in outline is the history of the riots as far as they affected Rangoon itself.

•

PART II

**Narrative and Incidents of the Riots in the
Districts.**

CHAPTER XI.

The Myaungmya District.

Wakèma.

The Committee began its tour of the districts by visiting the Myaungmya District where it spent from the 21st to the 26th of November inclusive. The greater part of the Committee's time was necessarily devoted to Wakèma where the situation, at one time, was extremely serious. It was an unfortunate beginning to our tour, as it has been necessary for us to make serious criticisms of the handling of events there both by the local civil and by the local police authorities.

An unfortunate beginning to the tour.

(a) *Events leading up to the meeting at the Payagyi on the 29th July.*—When the disturbances broke out in Rangoon on the 26th of July, both the Subdivisional Officer, U Dwe, and the Township Officer of Wakèma were on tour. On the 27th of July the bazaar closed early owing to nervousness on account of reports of the Rangoon disturbances. On the 28th rumours began to come in of what had happened in Rangoon. In the morning the newspapers from Rangoon arrived containing the news and the pictures that had been published in Rangoon on the morning of the 27th. These included the pictures in the *New Light of Burma* and the *Sun*. These, we are specifically told, had a most disturbing effect in Wakèma. Moreover, rumours brought by passengers arriving by steamer from Rangoon began to circulate in the town. These included rumours of the destruction of the Sule Pagoda and of impending attacks on the Shwedagon Pagoda by Indians and of the killing and injuring of *pongyis*.

July the 26th, 27th and 28th.

On the 26th, 27th and 28th of July there was no actual disturbance. It was not till the 29th of July, that anything occurred in Wakèma to cause serious alarm. For some days before this a wide notoriety had been obtained through the press for the offensive extracts from Maung Shwe Hpi's book throughout the town and in the district. They had caused here, as in other places, a natural resentment among the Buddhist population. The 29th was a Friday the day on which Muslims come in numbers to their Mosques to pray. We are unable to find that the assembly of Muslims at the Mosque on this day exceeded the usual numbers. Both the Indian and the responsible Burmese evidence is to the effect that the number of worshippers at the Mosque was no more than usual. But it is an indication of the state of excitement and nervous tension existing between the two communities that this ordinary assembly of Muslims should have been enlarged, in the imagination of many people, into a sinister mobilization of Muslim forces to attack the Pagodas of Wakèma. Another rumour in circulation was that a force of Indians had been brought by launches and sampans and assembled on the opposite side of the water for the same purpose. This too was quite unfounded. Yet further rumours circulated that in the neighbouring villages bands of Indians of five hundred at a time were assembling to advance on Wakèma. This state of apprehension in Wakèma the Rangoon newspapers, and the fresh crop of stories of what had happened on the 28th, which arrived simultaneously in Wakèma on the morning of the 29th, did nothing to allay.

July 29th.

At about 10-30 in the morning a procession was proposed for the purpose of carrying round the town an enlargement of the photograph of the prostrate *ponggi* which had appeared in the *New Light of Burma* ⁽¹⁾ on the 27th in Rangoon. This was very properly banned by the Deputy Commissioner under section 144 of the Criminal Procedure Code. During the morning things became more unsettled. We are told that certain Burmese shops in the bazaar were asked to close by some Muslims. It is suggested that this is evidence of an intention on the part of the Muslims to attack the Burman inhabitants. But we are convinced that this is not so. We have evidence of more than one petty assault in the bazaar during the morning. These have not found their way into the police records and they possibly have no bearing upon the riots. On the other hand, it is more possibly that they were the outcome of the state of tension that existed and were the indications of the advance of trouble.

Meanwhile the Subdivisional Officer at Wakèma, realizing that the situation was unsatisfactory, asked the Deputy Commissioner at Myaungmya for reinforcements. Ten military police under a Jemadar left Myaungmya at 2 p.m. in a Government launch and arrived at Wakèma at about 7 p.m. This ⁽²⁾ was all that could be spared, having regard to the tension in Myaungmya and in other parts of the district. The District Superintendent of Police, Myaungmya, maintained constant telephone communication with the Wakèma police station and during the afternoon the Deputy Commissioner sent a rather indefinite telegram to the Subdivisional Officer to the effect that he was "to take charge of the situation at Wakèma" and "to make his headquarters at the police station" and keep in constant touch with the police. It is possible that this telegram is what the Subdivisional Officer subsequently construed as instructions to "defend the police station."

The meeting at the Payagyi on the evening of the 29th July.

A meeting of *ponggi*s had been proposed to be held at the big Payagyi at 5 p.m. to pass resolutions of protest against Maung Shwe Hpi's book condemning its author and publisher and, as we have been told, for the purpose of showing the public that the *Sanghas* of Wakèma were not behind those of Rangoon. It was this meeting that produced the serious situation that afterwards arose in connection with the handling of which the conduct of the civil and police authorities is, in our view, open to criticism. We believe that the Muslim community was doing all it could to allay the feeling of resentment that had been aroused by Maung Shwe Hpi's book. A form of apology was actually drafted and entrusted to the Police Station Officer who handed it to one of the Honorary Magistrates ⁽³⁾ to be presented to the meeting to be held at the Payagyi in the evening. This was not done, which, in our opinion, was most unfortunate.

Preparations for the meeting.

(b) *The meeting at the Payagyi at 5 p.m. and the succeeding events.*—As to the meeting itself, the Subdivisional Officer seems to have appreciated that the position was serious. Together with other officials,

⁽¹⁾ See Appendix III, photograph No. 1.

⁽²⁾ The strength of the military police at Myaungmya at the time was 72, of whom thirty were away on escort duty. This force is, in our view, insufficient for the needs of so large a district.

⁽³⁾ Our Wakèma witness No. 20.

including the Township Officer, the Township Judge, the Additional Magistrate, U Po Han, who is an Honorary Magistrate and U Kyaw Shein, he went to the Payagyi and interviewed the *pongys* in order to obtain their assurance that nothing would be done or said to excite further the feelings of the people. We gather from the official account that he received an assurance that the meeting would be expeditiously conducted and that no layman would be allowed to speak. A draft of the resolutions to be proposed was also shown to the Subdivisional Officer. They, therefore, left. But it is clear that they were not fully satisfied because arrangements were made by the Subdivisional Officer, by the Subdivisional Police Officer and by other officers to watch the meeting from the premises of the Wakema Electrical Company close by.

The meeting itself passed off quietly. Most of the audience went home. But it seems to us that much the same thing happened here as at the meeting on the Shwedagon Pagoda platform in Rangoon. After the main part of the audience at the meeting had dispersed, an unruly element, about a quarter of an hour later, emerged from the Payagyi in an excited mood armed with *dahs* and sticks. But there were three parties of police outside or in the immediate neighbourhood who succeeded by their mere presence in turning this crowd back into the Payagyi.

The first
sortie from
the Payagyi
at 5-30 p.m.

Up to this point there is, we think, nothing to criticize in the conduct of the affair at Wakema. It is, however, from this point onwards that criticism is forthcoming of the way the situation was handled by the Subdivisional Officer and the Deputy Superintendent of Police. The meeting finished at half past five or a little later. After the first sortie from the Payagyi nothing happened for a while. But at about 7 o'clock a crowd of a hundred or more, including *pongys*, collected in the compound of the Payagyi. Their evident intention was to come out into the town. This crowd was fully armed and it was obvious that mischief was almost certain to happen if it was allowed to come out. The Subdivisional Officer was again sent for. He arrived with the Deputy Superintendent of Police, a party of civil and the party of military police, which had arrived from Myaungmya by this time. The crowd was ordered to disperse. At that point the Subdivisional Officer was approached by a *pongyi* armed with a *dah* and the official version ⁽¹⁾ of what happened is this :—

The second
sortie from
the Payagyi
at 7 p.m.

"Then one *pongyi* came and asked permission from the Subdivisional Officer to allow them to go into the town to sound some slogans to vent their feelings. They told him they would respect the Mosque and would not do any damage in the town."

The upshot was that the Subdivisional Officer gave way and allowed them to go round the town. The reasons given by him in his report are these :—

"By that time I had not got yet any order to shoot and they had not done any damage or mischief and promised to respect the Mosque and not to do any mischief in the town."

(1) We have an excellent account given by the Jemadar in command of the military police on the spot which we believe to be substantially accurate. We give it as Appendix VI.

Moreover, the military police party levelled at them in opposite direction. If I gave order to the military police to disperse them by shooting, the bullets of their rifles would not only kill them and the *pongyis* in the entrance of the Payagyi but would damage the image of the Buddha and Pagoda considerably. I realized that our shooting by that time would not be justified and that it would not only be illegal but also would inflame the feelings of the whole country and make the situation worse in all Burma. I, therefore, did not give order to the military police to shoot them. So we let them pass hoping that shouting will relieve their feelings which would otherwise get into dangerous channels."

The night of
the 29th
July.

We can put what followed shortly. The crowd went out into the town and the civil and military police stood aside to let them pass. Other crowds were encouraged to emulate their example and a great deal of damage was done including the breaking up of wayside stalls belonging to Indians and the damaging of sampans on the riverside. There is some little doubt as to whether the crowd responsible for this damage was the original crowd which came out of the Payagyi having "negotiated" through the *pongyi* for a free passage through the town, or whether the other crowds which had collected did the actual damage. We think the latter alternative is possibly the right one. In either case the significance of the incident is the same, for the passing of the original crowd into the town with the permission of the Subdivisional Officer was the signal for the outbreak of lawlessness which began on that night and lasted for over twenty-four hours.

Attack on the
Bengali
Mosque.

At about 11 o'clock that night the Bengali Mosque in the eastern quarter of the town was attacked by a band of hooligan Burmans including three *pongyis*. At the same time the first serious assault on an Indian occurred in which the serang from the launch "Bogale" was stabbed. On this night the Deputy Commissioner, who was in constant touch with Wakema on the telephone, told the Subdivisional Officer to handle the situation "firmly and if necessary to shoot." The Subdivisional Officer replied that the situation was bad and that he required reinforcements. We do not ourselves think either that the situation was as desperate as the Subdivisional Officer thought it to be or that he needed reinforcements to keep the place quiet, or at least to try to keep the place quiet, if he and the Deputy Superintendent of Police had handled what forces they had at their disposal with determination.

Visit of the
Deputy
Commis-
sioner and
the District
Superinten-
dent of
Police.

(c) *Events of the 30th and 31st July.*—At 5 a.m. on the following day the Deputy Commissioner himself arrived from Myaungmya with the District Superintendent of Police. They went round the town with the Subdivisional Officer and the Deputy Superintendent of Police and saw the results of the events of the previous night.

The Commissioner of the Irrawaddy Division happened to pass through Wakema on the Bassein Express at the time. He was told of what had happened and his instructions were "to take drastic action "

and to "fire on the mob if they refused to disperse." At 8 a.m. the Deputy Commissioner and the District Superintendent of Police left Wakèma again for Myaungmya. This is a point that has been commented upon by many of our witnesses who have taken the view that had these officers or either of them remained in Wakèma on the 30th, there would have been no further trouble. We shall deal with this point later. From about 11 a.m. on the 30th things went from bad to worse. We have not the space to deal in detail with all that happened. It is sufficient for us to say that assaults, looting and incendiarism were more or less general throughout the afternoon and the evening of the 30th.

The outstanding incident occurred at 2 p.m. or thereabouts when a concerted attack was made by a mob of armed Burmans on the Chulia Mosque almost directly opposite the main entrance to the Payagyi. The Mosque was surrounded, broken into and its contents wholly destroyed including several copies of the Koran. A portion of the Mosque was set on fire. The Fire Brigade, however, managed to extinguish the fire during the afternoon. A little after 4 p.m. fires broke out over the town in four or five places. At this stage the Subdivisional Officer reported by telephone to the Deputy Commissioner that the situation was out of control and that he was defending the police station "as he had been instructed to do." We do not know what this refers to unless it is to the Deputy Commissioner's telegram of the 29th July⁽¹⁾. At about 8 p.m. occurred the only fatality at Wakèma. An Indian named Suleman Rowther was pursued by a mob and cut down outside the house of one of our witnesses who has given evidence. He fell in the road and, while lying on the ground, he was deliberately slashed with *dahs* by *pongyis* successively as they passed him. The revolting part of this incident, if our evidence is true, is that a witness⁽²⁾ in company with a policeman actually passed Suleman Rowther, still alive and lying in the road, at 7 a.m. on the following morning. But no attempt was even then made by the policeman or any one else to rescue him. He was eventually taken to hospital to die.

Attack on
the Chulia
Mosque.

On the 31st of July the District Superintendent of Police reported the situation at Wakèma by telephone to the Commissioner. The Commissioner ordered U Dwe to be replaced immediately by Mr. G. E. Rollins from Bassein. He was despatched by speed boat and arrived at Myaungmya during the afternoon. He had a word with the Deputy Commissioner and the District Superintendent of Police and took over charge at Wakèma at 5 p.m. on the same evening. As soon as he arrived he proceeded into the town with all available military and civil police and gave warning that, if any one took part in rioting again, he would open fire without any further warning. It is fair that we should point out that, when Mr. G. E. Rollins arrived on this evening and issued this warning, there had been no further serious incident during the day of the 31st. We say this in order that we may deal fairly and without prejudice with the allegations which have been made against Mr. G. E. Rollins in connection with the arrests on the 1st of August.

The 31st
July. The
arrival of
Mr. Rollins.

⁽¹⁾ See page 46.

⁽²⁾ Our Wakèma witness No. 19.

There was no further real trouble from then onwards. Twenty more military police arrived at Wakèma on the 31st and the ten men who had been sent on the 29th were then sent to Kyonmange.

The 1st
August.

(d) *The arrests on the 1st August.*—On the 1st of August the District Superintendent of Police and Mr. G. E. Rollins between them made a house to house search at Wakèma and arrested some hundred and eighty-nine persons identified by, or known to, the police as having taken part in the disturbances of the 29th, 30th and 31st, together with all those found in possession of looted property. Fifty more were arrested later. These arrests at Wakèma, as indeed the arrests in every other part of the district, have been the basis of a bitter, and we think an organized, attack by the Burmese community upon the District Superintendent of Police and upon Mr. G. E. Rollins. The substance of the charge is that these two officers at Wakèma, and the District Superintendent of Police elsewhere, made arrests with a complete absence of discrimination. In short, it is said that they were indifferent whether those whom they arrested had participated in the riots or in any of the outrages which accompanied them or not. And there are added by individual witnesses specific, and often picturesque, instances of oppression to which these two officers are said to have resorted. We set out examples of these charges when we come to deal later with the allegations against these two gentlemen.

Myaungmya.

The 27th
July.

At Myaungmya itself, which is of course the headquarters of the district, little of any real importance happened to disturb its peace. On the evening of the 27th of July news was spread by the *pongyis*, *Thakins* and other persons of their intention to hold a mass meeting to protest against Maung Shwe Hpi's book. But on the next day they were dissuaded from this course. The Rangoon papers arrived on the morning of the 28th and caused some anxiety to the officers there as to what their effect might be on the population.

The 29th
July.

On the 29th of July a conference was held at which the elders of both communities met the Deputy Commissioner and the District Superintendent of Police. At this meeting the *pongyis* were also present and the Muslim elders expressed their unqualified disapproval of Maung Shwe Hpi's book, an assurance which was accepted by the Burmese elders. These resolutions were forthwith embodied in some fifteen thousand pamphlets, which were immediately printed and, as far as possible, distributed throughout the district.

The 30th
July.

On the 30th of July there was a false alarm in Myaungmya Town in consequence of which the situation became tense and it was necessary for the District Magistrate to issue an order prohibiting the congregation of groups of persons exceeding five in number. Thereafter, nothing disturbing occurred at Myaungmya. It is, therefore, possible to say that, except for one or two alarms and excursions, the town of Myaungmya itself was creditably quiet during the critical period.

Einme ⁽¹⁾

One or two meetings of Burmans were held at Einme on or after the 27th of July to protest against Maung Shwe Hpi's book. But no disturbing incidents took place. The Deputy Commissioner's report says that there was a little excitement on the 29th of July. We are told that there was a meeting at the police station attended by elders at which it was determined to maintain peace. On the next day there was a meeting at the hospital between the Burman and the Muslim elders at which the Muslims were asked to issue a leaflet repudiating Maung Shwe Hpi's book and disapproving of its contents. This was done and a leaflet was printed by them and distributed. A copy is exhibited. A further meeting was arranged for the 31st of July which was, however, not held as the Deputy Commissioner objected to it.

The 27th—
31st July.

Nothing unusual happened until the 2nd of August except that a party of policemen arrived with a Sub-Inspector of Police. On the 2nd of August at between 2-30 and 3 p.m. there was a disturbance in the bazaar. The official version of this taken from the Deputy Commissioner's report is that at 2-30 p.m. while the police were on guard at the corner of the bazaar some men entered by the west gate and rushed through the middle of the bazaar breaking many glass panels of stalls. On the way, it is said that two Indians were assaulted and received injuries. When the civil and military police however turned out immediately afterwards quiet was restored. The version given of this incident by our Burman witnesses is somewhat more ample. At about 2-30 or 3 p.m. it is said that there was a quarrel near the bazaar between a Burman fisherman and two Indian purchasers about some fish. A scare started and the bazaar *gaung* closed the bazaar. It was learnt later that one Indian in the miscellaneous goods bazaar had been injured by a stick and another "cut" with a *dah*. It is said that the whole incident only took a matter of five minutes and that order was restored when the police turned out.

The 2nd
August.

On the 3rd of August nothing happened. On the 4th of August the District Superintendent of Police, accompanied by Mr. Slater of Messrs. Steel Brothers and Company, Limited, Captain Turner, U Thaw Han, the Subdivisional Officer of Myaungmya and two constables arrived at 7 a.m. in a speed boat from Myaungmya. We have heard a good deal of evidence both from the women and the men of Einme as to the arrests made in the town by the District Superintendent of Police on this day and the oppressive measures said to have been taken by him and his officers. We shall deal with them in this Report as this charge against the District Superintendent of Police is part and parcel of the general charge against him made throughout the district. It is sufficient, at this point, to say that fifty-four people were arrested, all of whom were despatched by steamer at five o'clock on the same evening to the jail at Myaungmya. A further thirty were arrested in the ensuing days, the last two being arrested on the 26th of August.

The 3rd and
4th August.

(¹) We give the narrative of this and the ensuing villages separately as they were the scenes of the arrests which were made which have been so violently attacked in the district.

Kanbe.

The 28th and
29th July.

News from Rangoon reached Kanbe on the 28th of July simultaneously with entirely unfounded rumours that Indians were collecting on the other side of the river. The incident which occurred at Kanbe took place between 1-30 and 2 p.m. on the following day—the 29th. The official version of it, as reported by the Deputy Commissioner, is that nine persons entered Indian shops with sticks and *dahs* and destroyed properties. At 9 p.m. a party of Burmans went to the Mosque and removed the corrugated iron from it. It was said also that they damaged some sampans on the foreshore. The version given by the Burmese witnesses from this village is merely that there was a commotion in the bazaar and that glass panes were broken. Neither version, we think, alleges that any one was killed or injured. From the 31st of July until the 4th of August everything was quiet and nothing happened worth recording. On the 5th of August at about 9 a.m. the District Superintendent of Police accompanied by Mr. Slater and Captain Turner arrived. The Township Officer and the Subdivisional Officer of Myaungmya were also with them. There follow a series of allegations against the District Superintendent of Police alleging the same type of indiscriminate arrest and oppression as those which he is charged with having effected at Wakema and Einme. A hundred and ten persons were arrested on the 5th of August and were taken by steamer to Myaungmya, *via* Labutta, arriving at 7-30 on the following morning.

The 5th
August.

Kyonmange.

The 28th
July.

There was an incident at Kyonmange. The official account is that at 8-30 in the evening a party of some thirty Burmans with *dahs* attacked the stalls of Muslims in the bazaar. There was no loss of life nor looting and only one assault. The police succeeded in restoring peace. This incident is interesting as it was actually the first sign of any attack by Burmans on Muslims in the whole district. A certain amount of tension seems to have continued and, on the 30th of July, the Assistant Township Officer asked for reinforcements which were sent him on the 31st of July. We have seen photographs of the damage done to the Mosque and to a number of houses and shops and we have also received a quantity of evidence, which we think is true, to the effect that the Mosque was stoned on the 28th and again on the 30th. We feel no doubt that there were disturbances in this village on the 30th and 31st as well as on the 28th and that substantial damage was done. And we have received many complaints from Indian witnesses that even now the village is unsafe for them to live in.

Thayetlaw.

The 29th
July.

The official account given by the Deputy Commissioner of Myaungmya of the only event here is that on the night of the 29th of July thirty armed Burmans attacked some Chittagonians who fled. No one was injured. One tea shop, a bakery and the Mosque were slightly damaged. We have had evidence from certain Burmese witnesses, who have been unable or unwilling to give any more definite account of what happened on this night. But the fact remains that it is

admitted that on the morning of the 30th the damage in question was visible in the village and, indeed, we have photographs of it. It was, however, not extensive and did not amount, we think, to more than a thousand rupees in value.

Intami.

The official account of the Deputy Commissioner is silent as to Intami although the District Superintendent of Police has in a note stated that rioting and the burning of a Mosque took place there on the 3rd of August. We have received a deputation of witnesses from this village and we have also seen photographs of the Mosque which show that it was damaged. What appears to have happened, so far as we can gather from the evidence we have received, is that on the 3rd of August between 8-30 and 9 p.m. the Mosque was raided by about thirty Burmans with *dahs* and spears. The Indians all ran away. Little or no damage was done except to the structure itself as its contents and Kcrans had been previously removed. These Indian witnesses, also, have complained to us that they are no longer safe in the village. It must be appreciated that this is an Indian account of the affair and that it is possibly exaggerated though the photographs we have mentioned above do, in fact, show that the Mosque was damaged.

The 3rd
August.

Special subjects of enquiry.

That completes a general survey of the facts of what took place in the district. In our view, the whole district took its cue from the events which happened at Wakèma itself. And we think that the handling of the situation there by the civil and police authorities exercised a considerable influence upon the district as a whole. We go so far as to say that that influence may well be felt in the district for a long time to come. It has been necessary, therefore, for us to devote considerable attention to what happened at Wakèma and to set out the story at some length. But there have emerged from our enquiry certain quite definite issues so far as this district is concerned. The first of these, and not the least in importance, is, as we have said, the question whether at Wakèma the situation was handled as it should have been by the civil and police authorities.

Effect of
events at
Wakèma on
the rest
of the dis-
trict.

Issues which
emerge.

The next major question with which we have been concerned in the district relates to the police. This falls into two parts. As we have already mentioned, there was an unusually large number of arrests at Wakèma and the other towns and villages at which disturbances in varying degrees took place, amounting altogether to some seven hundred. At the time of writing this report all but the merest handful of those arrested have been released at various times between the date of the riots and the date on which we write, either by their cases being withdrawn before being sent up for trial or by withdrawals before the trial Courts. This has undoubtedly contributed to the bitter attack both by the persons arrested and their friends, relatives and sympathisers and also, we think we may say, by many other respectable but credulous people, upon the District Superintendent of Police, in respect of the arrests in the district as a whole and upon Mr. G. E. Rollins in respect of the particular arrests at Wakèma.

Police
action in
making
arrests.

In justice to the officers concerned and, as we believe, to the interests of the future administration of the district, the question of these arrests has engaged our attention. They fall within our terms of reference as relating directly to the action taken by the police.

Conduct of
the police in
general.

So far as the conduct of the police is concerned we have had to consider also whether, in view of the representations made to us, the conduct of the subordinate officers and the rank and file of the police in this district as a whole has been satisfactory. A view has been expressed to us that the conduct of the individual junior police officers has in many cases left much to be desired. If that is so, it is right also that, in the interests of the police themselves and of the public at large, they should be the subject of a further departmental enquiry. The third of the major matters which has emerged out of our enquiry in this district is the question—which to some extent overlaps the enquiry into the number of arrests made—of the startling number of withdrawals of prosecutions which have taken place in respect of the persons arrested for offences in connection with the riots. This is of importance in itself. But it also has an indirect bearing upon the question whether the arrests ought ever to have been made. For the obvious comment to which such wholesale withdrawals have given rise is that the arrests in the first place were unjustified.

The number
of releases
and with-
drawals of
cases in the
district.

We have within the time at our disposal examined well over a hundred witnesses. Many of them have made individual contributions to the volume of complaint against various police officers. While one or two of them have been so definite and startling in character as to make it necessary to mention them individually, it has not been possible for us to deal with all of them individually. In the main they fall under one or other of the three major departments of our enquiry which we have summarized above. Nor, indeed, in this district, as elsewhere, would it have been humanly possible for us to investigate with thoroughness and judicially all the many instances of individual complaint we have received. Each one, if it were to be investigated by itself upon judicial lines, would have assumed the proportions of a law suit or a criminal trial. Such a task would in this district alone have involved us literally in months of investigation. Nor do we think in any case it would have been right for our Committee to usurp functions which in most cases are properly departmental.

Major
Questions
to be dealt
with.

We shall, therefore, divide our report upon this district into the following heads :—

- (1) The causes of the disturbances.
- (2) The disturbance at Wakema, its handling by the local civil and police authorities and its bearing upon the disturbances in the district as a whole.
- (3) The action taken by the police in the district with particular reference to—
 - (a) the number of arrests made by the District Superintendent of Police and Mr. G. E. Rollins, and
 - (b) the conduct of the police force as a whole.

- (4) The number of releases of and withdrawals of cases against persons arrested in connection with the disturbances.
- (5) Such other incidents and matters as have come to our notice in relation to which we think it necessary to make a special comment.

(1) *The causes of the disturbances.*—There had developed in the district a definite and strong anti-Indian prejudice to the creation of which we think that all those underlying influences which we have mentioned in our Interim Report had contributed. This may have been especially due to the strength of the Indian population in the district and in particular of the Muslims. While we cannot point to any particular history of communal enmity between Burmans and Muslims in the Myaungmya District, we think that, when the opportunity arose over Maung Shwe Hpi's book, the Burmese population were with suspicious readiness disposed to implicate the entire Muslim population in the insult which they felt that Buddhism had suffered. They were ready to attribute to the Muslims at large a sympathy with the book which they certainly did not feel. This disposition in the district to suspect the Indian population at large manifested itself, not only in the ease with which sympathy towards Maung Shwe Hpi's book was attributed to Muslims, but also in the readiness with which rumours were believed of the massing of the Indians to attack Burmese Pagodas. As we have said, on the 29th of July rumours were current throughout the town of the mobilization of Indians on the opposite bank of the river. There were equally persistent rumours of the congregation of strong bands of Indians in the surrounding villages. Although these and other such rumours were, we are satisfied, without foundation, they were, nevertheless, generally given credit to by the less intelligent part of the Wakema population and, undoubtedly, they contributed by the excitement they caused, to the events of the 29th and 30th of July. Whether they were deliberately started or not we have been unable to ascertain. But that they were exploited by the many inhabitants of Wakema of all classes that took part in the rioting we have no doubt. The opportunity afforded by Maung Shwe Hpi's book, coupled with the distrust and dislike of the Indian population in general and of the Muslims in particular, was primarily responsible for the rioting in Wakema. We think that there was a disposition on the part of a large proportion of the population of Wakema too readily to take advantage of this opportunity. Though there were many respectable Burmese citizens who would have nothing to do with it, we think, nevertheless, that a surprisingly large proportion of the ordinary population was implicated in it in one way or another. It was certainly not a case here of rioting by mere hooligans or "bad hats". It went much further than that. We think it certain that a number of *pongyis* and *Thakins* in the place took advantage of the book to promote the unrest. The strong anti-Indian feeling which even before the riots existed in the district made it all the easier to work the population up. There is incontrovertible evidence that a number of so-called *pongyis* were included in the crowds which paraded through the town on the night of the 29th of July, after the meeting had been held at the Payagyi and that they were armed with *dahs* and sticks. We have unhappily evidence, which it is impossible to disbelieve, of actual assaults by *pongyis* upon Indians. And we have reason to think it probable

Anti-Indian
prejudice.

that one particular *pongyi* organized the procession on the evening of the 29th which led up to and was responsible for the disturbances on the 30th.

Rumours and newspapers from Rangoon.

This Delta District is, of course, peculiarly susceptible to influences from Rangoon, on account of the speed with which news can reach it. On the morning of the 28th of July copies of the *Sun* and the *New Light of Burma* arrived containing the pictures which had been published in Rangoon in the editions of the 27th. These served their purpose of intensifying the uneasiness and excitement. Rumours, too, reached Wakèma from Rangoon of what had happened there on the 26th and 28th of July. In particular the rumour was put about here, as it was put about all over Burma, that the Shwedagon Pagoda and the Sule Pagoda in Rangoon had been attacked by Indians. These rumours, in the state of excitement then existing, were credited in the same way as the rumours of the massing of Indians, though they contained no particle of truth.

We find, therefore, that the outbreak of rioting in Wakèma which took place on the 29th can be attributed to—

Summary of causes at Wakèma.

- (1) the real offence taken by the Buddhist population at the contents of Maung Shwe Hpi's book as reported in the newspapers ;
- (2) the distrust of the Burmese population of the place for the Indian in general and for the Muslim in particular, which led them to attribute to Muslims a sympathy towards Maung Shwe Hpi, which was quite unmerited ;
- (3) the deliberate incitement received from *pongis* ;
- (4) the readiness on the part of the *Thakin* organization to create, and join in, the rioting ;
- (5) the many rumours that flooded the town of what had happened at Rangoon and of the hostile intentions of the Indians ; and,
- (6) a general disposition on the part of far too large a proportion of the inhabitants of Wakèma, if not to take part actively in the rioting, at least to sympathize with the rioters.

(2) *How the situation was handled.*—The whole of the serious Wakèma disturbance took place between 5 p.m. on the 29th and midnight of the 30th. We have already given an outline of what happened.

Officers and police on the spot.

The principal officers of the town were U Dwe, Subdivisional Officer and the Deputy Superintendent of Police, U Hla Taw. With the other civil officers we are not much concerned. There were at the time a garrison of thirty-four civil police constables in the town equipped with twenty muskets. That force was available at the actual time of the meeting. But by the time that the question of stopping the crowd at the Payagyi arose, the party of ten military police under a Jemadar had already arrived from Myaungmya. Steps had, as we have shown, been taken to see that nothing was said or done at the meeting itself to aggravate the tension and, beyond a suggestion that some inflammatory speeches were made, the meeting itself passed off quietly.

The majority of the audience seems, as in the case of the meeting on the Shwedagon Pagoda, to have gone home peacefully. The police were, we understand, disposed at strategic points in the town in parties. One such party under the Deputy Superintendent of Police was stationed close to the entrance of the Payagyi and another party, under the Police Station Officer U Maung Maung Gyi, was stationed at the junction of Strand Road and Pagoda Road, a short distance from it. When some fifteen minutes later the unruly crowd of about fifty persons endeavoured to come out of the Payagyi armed with *dahs* and spears, they retreated upon seeing the police at the entrance to it. The handling of the situation by the Subdivisional Officer and the Deputy Superintendent of Police up to this point is open to no adverse comment. We think, however, that both of them must have appreciated by this time that the situation was a very serious one. They knew the feeling of excitement that had been worked up in the town and they saw that there was, at any rate, a substantial element that was prepared for rioting if the opportunity was given them. The Subdivisional Officer and the Deputy Superintendent of Police, however, went back to the police station withdrawing all the police parties except the one which was left at the corner of Strand Road and Pagoda Road. We think that even that party was withdrawn before 7 p.m. Then the further disturbance broke out at the Payagyi. The Subdivisional Officer and the Deputy Superintendent of Police and all available police armed with their muskets, went to the entrance of the Payagyi. By this time the party of ten military police had arrived and they too went to the entrance of the Payagyi. We have already described the armed and excited crowd of *pongyis* and laymen collected at the entrance. We think that it was at this point that the Subdivisional Officer made his mistake. He entered into a negotiation with the armed *pongyi* representing the crowd. We have some reason to believe that this *pongyi* is our Wakema witness No. 21. He allowed himself to be persuaded to let the crowd come out into the town for the purpose—as it was represented to him—of “*giving vent to their feelings*” by parading the streets shouting slogans in defence of the Buddhist religion and in condemnation of Maung Shwe Hpi's book. In fairness to the Subdivisional Officer we believe that he did receive a promise, from the spokesman of the crowd, that no damage would be done. He says that, in his view, any strong measure at that stage would have done more harm than good. On the other hand, he had an available force which, in our view, was ample to prevent the parade through the town had he decided to forbid it. The fact remains, however, that he opened what amounted to negotiations with the crowd which, to our mind, was as obviously an unlawful assembly as any crowd could be. As a result, the unlawful assembly got its way and paraded the town. The inevitable result followed. Damage was done, if not by that crowd, by other crowds which were immediately encouraged to follow suit. We have been told by the Police Station Officer that he was left to remain in the town with his party of police to patrol it. But we can arrive at no other conclusion than that the police parties were studiously careful not to meet or to try conclusions with the crowds. Indeed the Deputy Superintendent of Police admits that the police party “wasted” over an hour sitting outside a house. Considerable damage did result and several people were injured. The Bengali Mosque was damaged later, shops on Strand Road were broken open and sampans were destroyed and cut loose.

First sortie
from the
Payagyi.

The later disturbance at the Payagyi and the Subdivisional Officer's negotiation with the crowd.

We have come to the conclusion that it was a serious error of judgment on the part of the Subdivisional Officer and of the Deputy Superintendent of Police to give way to what was, in effect, a demand by an unlawful assembly to be allowed to go in to the town. And we have little doubt that from this point onwards the impression gained ground in Wakèma and the district generally that the authorities were unable or unwilling to control the situation. The whole of our experience gained in the course of our investigations of these disturbances is that a little firmness from the outset has time and again saved life, limb and property and that, in the long run, it is more often than not kinder to the rioters themselves, to say nothing of their victims, to make it clear once and for all that the law will be enforced. And, in the early stages, very little force is necessary. We should be the last to discourage tact and patience. But when a really dangerous situation threatens they must be displaced by firmness. That is what the Subdivisional Officer failed to recognize.

Little or no attempt made on the 30th to control the town.

We are told that the police party patrolled the town until 3 a.m. But we do not think that these patrols made any effort to make their presence felt. On the early morning of the 30th only four police constables in mufti were sent into the town and the remainder were kept in the police station. There were many assaults on Indians during the day. We are forced to the conclusion that no honest attempt was made to protect life and property. As the day advanced things went from bad to worse. At 11 a.m. there was the attack on the Chulia Mosque to which we have already referred. It is true that the police came out in a party and were present while the firemen put out the fire which they did some time about 4 o'clock in the afternoon. At this time the whole town was out of hand, every quarter being in the possession of its own particular crowd. The party remained in the town till about 7 p.m. but did nothing whatever, as far as we can see, to give protection or to try to control the situation. Then, at about 7 p.m., they all withdrew to the police station and abandoned the town completely to the mob. This is not even disputed by the officers on the spot. From then onwards until the following day when the disturbances died down the town and people of Wakèma remained without protection.

Visit of the Deputy Commissioner, and the District Superintendent of Police.

From about 4-30 a.m. until about 8-30 a.m. on the morning of the 30th of July, the Deputy Commissioner and the District Superintendent of Police were themselves at Wakèma. They had no doubt informed themselves of what had occurred at the meeting on the previous evening and they and the Commissioner himself issued instructions before leaving to the officials on the spot to use firearms if necessary. The Subdivisional Officer and the Deputy Superintendent of Police had, therefore, the direct assurance of the most senior officer in the Division that they would be supported in any necessary action they took.

Should the Deputy Commissioner or the District Superintendent of Police have remained at Wakèma ?

A criticism has been made to the effect that either the Deputy Commissioner or the District Superintendent of Police or both of them ought not to have left Wakèma at 8-30 on the morning of the 30th having regard to the situation as they then found it. But their visit had coincided with a lull on the early morning of the 30th after the events of the previous night and it was not until later on in the morning that looting, rioting and assaults broke out again. We cannot deny

that, had either the Deputy Commissioner or the District Superintendent of Police remained in Wakèma throughout the day, the available forces would probably have been used in such a way that rioting would have been stopped. On the other hand we have to remember that the Deputy Commissioner and the District Superintendent of Police were responsible for the whole district and were away from their headquarters. They had given the officers on the spot explicit instructions that they were not to hesitate to fire if necessary. There was trouble at Kyonmange, and at Einme the situation was serious. We think that the District Superintendent of Police's place was obviously at Myaungmya, where his forces were. We think, however, that the Deputy Commissioner ought to have realized that the Subdivisional Officer, U Dwe, was obviously not fitted to deal with so difficult a situation and that he ought to have taken immediate steps on the 30th to relieve him. We content ourselves with saying that the Deputy Commissioner would have been wiser, in all the circumstances, to have remained behind at Wakèma to take charge there pending the arrival of Mr. Rollins. But, then, it is easy to be wise after the event.

To sum this up, while there were sufficient forces of civil police and military police available at Wakèma on the 29th and 30th of July, no attempt was made to employ them effectively. For this the Subdivisional Officer and the Deputy Superintendent of Police must share the responsibility. The initial error of judgment on the part of the Subdivisional Officer was to have negotiated with the crowd at the Fayagyi and to have allowed it to come out into the streets. Thereafter, no honest attempt was made to deal with the situation at all. With the slightest resolution on the part of the Subdivisional Officer or the Deputy Superintendent of Police we think that even then disorder could have been effectively checked. The charges made against the police go still further. It has been freely said before us, not only that the police were content to be ineffective, but that in some instances they were in active collaboration with the rioters. This has proved to be a commonplace charge against the police throughout. We can only say that it conforms to our general impression of the part played by the police at Wakèma. But in fairness to them it is right that we should add that, in our opinion, the civil police and military police were without any sort of effective leadership. Had they been resolutely led, it may well be that they would have behaved more creditably. But as it was they were a useless and ineffective force and contented themselves on the 30th with the role of useless spectators of the rioting that went on.

Summary of
the handling
of Wakèma.

We think that as a result of the poor handling of the situation in Wakèma the impression did get about that law and order had ceased to function. This encouraged the outrages in Wakèma itself and contributed to the disturbances in the rest of the district. It has left a bad impression behind it. All this could easily have been prevented if the crowd had been resolutely refused an exit from the Payagyi compound. We doubt whether it would even have been necessary to open fire.

Result of the
mishandling
of the
situation.

We desire to add one further word concerning U Dwe, the Subdivisional Officer. We have seen this gentleman. He is an elderly man and we do not doubt that he is a painstaking officer. But he was

confronted on the 29th and 30th of July with a situation that was manifestly beyond him. He probably did what at the time he honestly judged to be best. But it was clearly wrong. He was, moreover, unfortunate in his Deputy Superintendent of Police who seems to have been as irresolute as he was, and with less excuse. We think that in a large and important place like Wakèma the civil administration ought to have been in the hands of a more resolute man than U Dwe. We are sorry for him and we do not desire to criticize him too harshly, for we think he was constitutionally incapable of dealing with so difficult a situation. As for U Hla Taw, the Deputy Superintendent of Police, we have not the same sympathy to offer him.

(3) *The arrests made by the District Superintendent of Police.*— This question has been made the subject of a concentrated, and, we think, organized, attack upon the District Superintendent of Police, upon Mr. G. E. Rollins, and upon the Subdivisional Officer of Myaungmya.

In Appendix VII we give a Schedule, so far as we have been able to ascertain them, of the arrests made throughout the district. But, because the matter is one of particular importance in this district for the sake of convenience, we set out in the footnote (¹) the number of arrests actually made at the six principal places.

The arrival of
Mr. Rollins.

Mr. G. E. Rollins arrived on the 31st of July, the day after that on which the town had been virtually abandoned to the mob. This posting was sanctioned by the Commissioner on the representation of the District Superintendent of Police with the concurrence of the Deputy Commissioner. In considering what happened next the previous events must be borne in mind. Although there had been no further actual disturbance on the 31st at Wakèma itself, it must be obvious that the situation remained critical. On the following day, the 1st of August, the District Superintendent of Police again arrived. We set out what happened in his own words :—

The arrests
at Wakèma.

" On the 1st of August a house to house search was made at Wakèma and all persons identified by and known to the police as having taken part in the disturbances on the 29th, 30th and 31st July 1938 and those found with stolen property were arrested."

In view of the charge of wholesale indiscriminate arrests which has been levelled against the District Superintendent of Police and Mr. Rollins, we have been at pains to find out upon what, if any, principle these arrests were effected. These are the facts which we find established in evidence before us. Mr. Rollins on his arrival was presented by the Police Station Officer with a list of three hundred persons who were either known to have taken part in the disturbances of the two previous days or were suspected of creating trouble and

(¹) Wakèma	...	240
Einme	...	83
Kanbe	...	112
Thayettaw	...	58
Kyonmange	...	105
Lanthamaing	...	66

recommended to be dealt with under Section 107 of the Criminal Procedure Code. The list was not prepared by Mr. Rollins himself as he, of course, had only just arrived. The Deputy Superintendent of Police has told us that from the 29th of July onwards he had instructed his men to note down people they saw involved in rioting. This was the basis of the list. Mr. Rollins went through it himself and struck out about sixty names of persons, the propriety of whose arrests he doubted. We have actually seen this list ⁽¹⁾ with his erasures. It is relevant to this enquiry, for the allegation with which we have been presented, both at Wakèma and at other places in the district, is that the arrests were made upon no principle whatever and that men were taken into custody altogether haphazard and without rhyme or reason. It is said that they were arrested whether or not they were known or suspected to have had anything to do with the disturbances. We are satisfied that the arrests made at Wakèma were made upon the basis of this list, as revised by Mr. Rollins, and that in that sense it is quite untrue that they were made "indiscriminately."

The number of arrests was obviously large but in Wakèma was not altogether out of proportion to what had happened there. It has to be borne in mind what the situation was there and in the rest of the district. We are satisfied that, as a result of the deplorable events of the 29th and 30th of July, the impression had either got abroad, or was in danger of getting abroad, that law and order had ceased to operate in the district. It was obviously impossible, if the maintenance of law and order was to be assured, that those who had broken the peace on the previous day and those who might do so again, should go unpunished. It was equally impossible that, in the real emergency that existed, there should have been the same routine of meticulous scrutiny of each individual case before the arrest was made as would have been followed in normal times. We have the evidence of more than one responsible citizen of Wakèma—both Burman and Indian—that these arrests, and these arrests alone, saved a far more serious situation. We share that view. And we think that Mr. Phipps and Mr. Rollins in difficult circumstances acted properly in making the hundred and eighty-nine arrests they did make on the morning of the 1st of August upon the information supplied to them by the local police. What they did was not done "indiscriminately" as the prepared lists of individuals to be arrested shows. It may well be that a number of persons who were either innocent or not seriously involved in the riots were included in the list. But in the circumstances that prevailed at the time we think that this was unfortunate but inevitable. It was certainly not the fault of either the District Superintendent of Police or Mr. Rollins. And we must always remember that, because of the wholesale releases that were made afterwards, against the former's advice, the District Superintendent of Police and Mr. Rollins have been denied the only conclusive test that could have been applied to the question of their justification. We think that Mr. Phipps and Mr. Rollins could have done nothing else on the morning of the 1st of August than to arrest those whose names had been given to them and that, if they had not done so, they would have been to blame.

The arrests saved a more serious situation and were not indiscriminate.

(1) It is now exhibited in a case pending in Myaungmya.

Charges of
ill-treatment
of prisoners.

This allegation of indiscriminate arrest has been accompanied by a deluge of individual charges of misconduct directed against both officers. There is not the slightest doubt that these two officers at Wakèma, and the District Superintendent of Police throughout the district, have become the object of a concerted attack by those whom they arrested and subsequently released, by their sympathisers and by other wrong-doers. We have found such a remarkable similarity of allegation against them at each of the various places from which we have heard evidence that we are led to suspect that the charges made are not free from collaboration. The District Superintendent of Police is charged at Wakèma, and, indeed, throughout the district, with keeping his victims without food and water throughout the day. He is charged with refusing to allow them to sit in the shade. He is charged with arresting people in the bazaars and while engaged in domestic duties. He is charged with striking men in a number of cases. He is charged with refusing to allow their wives to bring them food and dry clothing. He is uniformly accused of using abusive language towards them by calling them "Buddhists like dogs." And in every instance it has been said that he made people come out of their houses and lined them up for inspection upon pain of being shot. Some allegations have been even more specific and picturesque. It has, for instance, been alleged in one case that he arrested a man while attending his sick wife. In another case he is accused of causing the death of an infant in arms from fits two days later because his or her mother had, when her house was searched, been obliged to come out into the road.

Charges such as these have been impossible to investigate in detail. We had, however, the opportunity of investigating judicially one (1) such charge which proved to be a deliberate invention. In the case, too, of the specific charge against Mr. Rollins which we have thoroughly investigated, we are quite unable to believe it.

The truth of
the matter.

We have no doubt what the real truth of the matter is. That the District Superintendent of Police did cause men to come out of their houses to line up in front of him is true. This was probably the only practical method. He had to identify the various people who were pointed out. And, indeed, for the sake of the safety of his party it may well have been necessary. We see nothing remarkable nor, in the circumstances, objectionable in this. It is probably true also that from the morning until the evening food was not provided for the prisoners by the police. We are far from believing, however, that they had no food or that those of their relatives who desired to bring them food were not allowed to do so. Indeed, we have evidence that they were fed by their relatives and that the police themselves, in some instances, took steps to see that they got dry clothing. As regards the mass of detailed charges of ill-treatment which were produced against him, we believe that, where not mere inventions, they arise entirely from exaggerations of the necessary unpleasantness of the proceedings. In no single case anywhere has any instance been proved before us of any injury to any one in the whole course of the arrests. The whole affair bears on its face traces of invention and of evident exaggeration.

(1) See witnesses Nos. 41 and 44.

It is, we think, part and parcel of the concentrated attack upon these two officers, for no other reason than that they handled the district firmly and efficiently.

At each of the other villages Einme, Kanbe, Thayettaw, Kyon-mange and Lanthamaing almost precisely the same allegations are made. We do not propose to go through them all in detail, because the conclusions at which we have arrived are the same, namely, that these charges are, where not untrue, exaggerations of incidents involved in a naturally unpleasant task. At these other villages it must be conceded that the number of arrests made was large and, at first sight, out of proportion to the intrinsic gravity of the incidents themselves. But, it is not, in our opinion, fair or sensible to take each incident out of its context. The situation as a whole was a very grave one and it demanded immediate handling. In each case we have examined the circumstances in which the arrests were made and we are satisfied that they were made on the information of the local police officers so far as it was available and not indiscriminately. Whether in all cases the right people were picked out is for this purpose not, in our opinion, a fair test.

Arrests in the villages.

We have shown that we do not believe the charge against the District Superintendent of Police and Mr. Rollins that they made arrests with no discrimination. We believe they acted upon the only information they could get on the spur of the moment in an emergency which it was obviously necessary to meet. The circumstances did not permit of detailed investigation. The vital necessity was to re-establish law and order which had been severely shaken by the mishandling of events at Wakema. And in each case we think that the arrests made served to prevent the risk of further grave disorder in the district. Of that we are satisfied. We think that those who now criticize the District Superintendent of Police for an excess of zeal would have been as ready to criticize him for negligence had he not done what he did do and the riots had continued.

We are particularly struck too by the unfortunate result of the fact that all but a handful of those arrested were subsequently released without trial. It has been to deprive the authorities who made the arrests of the only conclusive means of justifying them. And this has happened in many places.

(4) *Releases of, and withdrawal of cases against persons arrested in connection with the disturbances.*—At the date we write this report virtually all the riot cases in the district have collapsed. The exact position will be found in Appendix VII. This circumstance taken in relation to the number of arrests made has led to misunderstanding in the district. On the one hand, there are those who have made the most of this phenomenon as evidence that the arrests were unjustified. On the other hand, there are those who say that the fact that no punishment and even no trial followed the rioting, is both a confession of weakness on the part of the authorities and a direct encouragement to lawlessness.

In this district the question arises in its most acute form. For, as we have said, the number of arrests was large and practically the whole of those arrested were absolved from trial to a conclusion. We have

Instructions
from
Government
in relation to
the with-
drawal of
cases.

thought it right, therefore, to treat this matter in this particular district with some care in our report and to trace exactly the circumstances in which the releases and withdrawals of charges came about. This question falls within our terms of reference as it relates directly to the action taken by the police and civil authorities. Moreover, it is as much a measure of justice to those who made the arrests as to those who were responsible for the withdrawals and releases. The attitude of the District Superintendent of Police has been consistent throughout, because, except in the case of the first batch of releases made in consultation with the Deputy Inspector-General of Police, Western Range, he has all along insisted that there was ample evidence upon which convictions could reasonably be expected to be obtained. On the 30th of July, the Deputy Commissioner was ordered by telegram⁽¹⁾ from the Home Department through the Commissioner to take "firm and drastic action" where disturbances occurred and he was assured that in so doing he would have Government's full support. We do not doubt that this was communicated by the Deputy Commissioner to the District Superintendent of Police. On the 10th of August a telegram⁽²⁾ was received direct by the Deputy Commissioner from the Home Department of the Government of Burma urging him—very properly, if we may say so—to leave no room for complaint that persons were detained in custody without cause or on suspicion longer than was necessary and urging him to grant bail speedily wherever possible. We read this, to some extent at any rate, as an endorsement of the view, which we ourselves share, that it was inevitable, if the police were to carry out actively their duty of restoring order in the district, that there should have been many arrests on suspicion. Upon receipt of that telegram the Deputy Commissioner on the 10th⁽³⁾ of August referred the matter to the Commissioner by telegram and telephone. The District Superintendent of Police assured the Deputy Commissioner that he would be in a position to send up all the arrested persons for trial under "substantive sections" of the Penal Code by which we mean under sections involving positive charges of rioting, engaging in unlawful assembly or something more serious.

The official reply⁽⁴⁾ of the Commissioner to the Deputy Commissioner was that he was to see that the Home Department instructions were carefully followed. On the 13th⁽⁵⁾ August a further telegram was received by the Deputy Commissioner direct from the Home Department of the Government of Burma in which he was enjoined that, when no evidence or likelihood of obtaining sufficient evidence existed, persons arrested should be released whatever their offence unless proceedings under the preventive sections of the Criminal Procedure Code warranted their detention. Upon receipt of that telegram the Deputy Commissioner again consulted the District Superintendent of Police. He wrote him a letter⁽⁶⁾ in which he forwarded a copy of the Home Department telegram and asked him to carry out the instructions contained therein by letting him know "how many persons the Home

⁽¹⁾ Telegram No. F67, dated 30th July 1938.

⁽²⁾ Telegram No. 442C38, dated 9th August 1938.

⁽³⁾ D O. Letter No. C176, dated 9th August 1938.

⁽⁴⁾ Commissioner's telegram No. F91, dated 12th August 1938.

⁽⁵⁾ Telegram No. 442C38, dated 13th August 1938.

⁽⁶⁾ Deputy Commissioner's D.O. Letter No. C179, dated 15th August 1938.

Secretary's instructions would apply to so that I may take action as instructed by him". On the following day the District ⁽¹⁾ Superintendent of Police gave the Deputy Commissioner the categorical assurance that, from information received by him from the Court Prosecuting Inspector, from the Assistant Superintendent of Police and the Subdivisional Magistrate, Wakèma, there would be ample evidence against all the persons arrested in all cases in connection with rioting in the District.

The Deputy Commissioner on the same day ⁽²⁾ reported the advice he had received from the District Superintendent of Police to the Commissioner mentioning also that charges were being levelled against Mr. Phipps and Mr. Rollins at Myaungmya for making indiscriminate arrests and saying that, from his enquiries from the District Superintendent of Police, he understood that all the arrests were made on the information of witnesses and not indiscriminately. The Deputy Commissioner added to his report to the Commissioner that in his opinion the allegations by Burmans that they had been treated harshly and that Indians had received discrimination in their favour was without any justification. Shortly after that the Deputy Inspector-General of Police, Mr. Prescott, arrived in the District and had a consultation with Mr. Phipps upon the subject of the course to be pursued as regards the arrested persons. Sufficient time had by then elapsed to enable cases to be more carefully examined. The result of that examination was that, in view of the instructions which had been issued by the Home Department, a number of cases were eliminated. This was the first batch of withdrawals. We set out the number so withdrawn in the footnote. ⁽³⁾

All these cases were withdrawn with the full concurrence of the District Superintendent of Police by letters of the relevant dates in which he stated that he was acting on instructions from the Deputy Inspector-General of Police, Western Range. In each case the withdrawal was made expressly upon the ground of lack of evidence.

The Deputy Commissioner informed us that on the 29th of August he received a further telephone message from the Commissioner in which he was told that withdrawals ought to be made in all cases in which no sufficient evidence was forthcoming, that bail should be granted in reasonable amounts and that no case should be sent up for trial on a

(1) District Superintendent of Police's letter No. 193T, dated 16th August 1938.

(2) Deputy Commissioner's letter No. C184, dated 16th August 1938.

(3) First withdrawals :—

Place.			Date.	Number of Cases.	
				Withdrawn.	Remaining.
Wakèma	...	...	24th August	89	151
Einme	...	...	23rd August	22	61
Kanbe	...	...	22nd August	66	46
Thayettaw	...	...	22nd August	37	21
Kyonmange	...	...	22nd August	47	58
Lanthamaing	...	...	26th August	5	61

charge more serious than the evidence was likely to establish. We understand also that at about the same time the Deputy Commissioner was rung up on the telephone by the Premier's Secretary who had a conversation with him on the subject of the arrests and withdrawals in the District. The Deputy Commissioner tells us that he was informed by the Commissioner that the Government was very much worried about the large number of arrests and wanted them to be reduced. The Commissioner's suggestion was that they should be reduced by at least three hundred.

The District Superintendent of Police opposed the withdrawals.

According to the Deputy Commissioner, he then met the District Superintendent of Police and the Public Prosecutor to examine all the remaining cases. Unfortunately, the recollection of the Deputy Commissioner and that of the District Superintendent of Police differ slightly as to how the matter was put to the District Superintendent of Police. The Deputy Commissioner tells us, if we have rightly understood him, that at this consultation an agreement was come to between them that some two hundred and seventy-five cases could be properly disposed of in order to give effect to the desire of the Government and that the District Superintendent of Police had no serious objection to their withdrawal. The recollection of the District Superintendent of Police on the other hand is that he was told by the Deputy Commissioner that he "was to submit" lists of people to be released to the number of about three hundred. That, of course, is a different thing. In the one case the lists would have been prepared by the District Superintendent of Police in consultation and in agreement with the Deputy Commissioner. In the other case the lists would have been prepared by the District Superintendent of Police on what amounts to an order from the Deputy Commissioner.

It was, in fact, left to the District Superintendent of Police to prepare the lists. He prepared lists in respect of the various places in the District containing two hundred and seventy-five names. But it is admitted on all hands that in forwarding those lists to the Deputy Commissioner he did so with the express qualification that, in his opinion, the evidence in each case justified the charge being pressed and that the withdrawal, if made, would not be made with his concurrence. There is no dispute about that. And we think, on the whole, that it lends considerable support to the version of the affair given by the District Superintendent of Police that he prepared these lists on what amounted to a request, if not direction, from the Deputy Commissioner. If that is the right view, as we think it is, then we think that the language in which it was reported by the Deputy Commissioner to the Commissioner on the 9th September ⁽¹⁾ was a little unfortunate in saying "I have acted on these instructions as given by the Commissioner *in consultation with* the District Superintendent of Police and I have released two hundred and seventy-five persons on the 30th and 31st of August. The District Superintendent of Police *supplied the list of persons against whom he had no serious objection for withdrawal*, though he maintained that he was not in favour of the withdrawal of any one." The fact, we believe, was that he had been instructed to prepare a list of all cases to be withdrawn and that he had done so by retaining only the strongest cases he had. But in all cases he expressed the view

⁽¹⁾ Deputy Commissioner's D.O. letter No. C215, dated 9th September 1938.

that the evidence was strong enough to justify trial. We set out in the footnote (1) the number of persons against whom cases were withdrawn in this way.

The next stage was reached on the 18th of October when a letter (2) to all District Magistrates was circulated by the Secretary to Government, Judicial Department, asking District Magistrates in consultation with Public Prosecutors to examine all cases in their Courts where accused persons were in custody and to consider the advisability of withdrawing prosecutions under Section 494 of the Criminal Procedure Code in cases in which there was no evidence or no likelihood of a conviction. This was followed by a further letter (3) repeating the instructions given in the letter last referred to but adding that all riot cases except those involving a very definite, as distinct from a technical, charge of a non-bailable offence or of grievous hurt should be withdrawn and that in any case of doubt the matter should be reported to the Advocate-General. These instructions to Public Prosecutors were peremptory that they were to ask for leave of their Courts to withdraw cases. In pursuance of these letters, the Deputy Commissioner in consultation with the Public Prosecutor then withdrew a further batch of cases which we set out in the footnote. (4)

There is no doubt that the cases thus withdrawn were dealt with in this district, except in the case of the first withdrawals, without reference to their merits, and our experience in the rest of the districts.

Cases withdrawn without reference to the merits.

(1) Second withdrawals :—

Place.	Date.	No. of Cases	
		Withdrawn.	Remaining.
Wakema	30th August ...	100	51*
Einme	3rd September ...	38	23
Kanbe	31st August ...	33	13
Thayettaw	Nil ...	Nil	21
Kyonmange	31st August ...	50	8
Lanthamaing	31st August ...	42	19
One died, reducing this number to 50			

(2) Judicial Branch letter No. 468/W/38, dated 17th October 1938.

(3) Judicial Branch letter No. 468/W/38, dated 8th November 1938, from the Secretary to the Government of Burma, Judicial Department, to all District Magistrates, etc.

(4) Third withdrawals :—

Place.	Date.	No. of Cases	
		Withdrawn.	Remaining.
Wakema	14th November ...	50	Nil
Einme	14th November ...	22	1
Kanbe	14th November ...	13	Nil
Thayettaw	14th November ...	21	Nil
Kyonmange	14th November ...	7	1
Lanthamaing	14th November ...	4	15

leads us to think that this was universally the case. Indeed, all withdrawals subsequent to the first batch were made against the advice of the District Superintendent of Police. We have, of course, no comment to make upon a policy of leniency in the circumstances. But we think it is desirable that we should say this, that we are satisfied that that policy in this district has been widely misunderstood and that the scale on which the prosecutions were abandoned has given encouragement both to the belief that lawlessness can be resorted to with impunity and to the plausibility of the charges of indiscriminate arrest which have been laid against the police in the district.

There is no doubt that there has been before us a general attack on the police and upon the District Superintendent of Police and Mr. Rollins in particular. We feel that the position of these gentlemen has been a good deal prejudiced by the withdrawal, against their recommendation, of the charges in the cases of the men whom they arrested. We think also that, notwithstanding that the instructions from the Home Department were correctly framed in the form of advice to the Deputy Commissioner and through him to the Public Prosecutor, those officers interpreted them rather in the light of executive instructions than of advice and carried them out accordingly. We think that it was in this sense that on the 29th of August the District Superintendent of Police was asked to prepare lists of persons against whom cases were to be withdrawn. And we think, moreover, that here and at Paungde⁽¹⁾ there could hardly be a better illustration of the difficulties which are necessarily involved in the unfortunate combination in one officer of the judicial functions of a District Magistrate and the executive functions of a Deputy Commissioner respectively.

General
charge
against the
police of
failure to
protect
Indians.

(5) *Other incidents and matters.*—We have met at Wakèma and everywhere else we have been to in the districts a general charge against civil policemen (and sometimes against military policemen) that they have on many occasions stood by and watched the looting of Indian shops and assaults on Indians with indifference. These cases have been so numerous, and more often than not so vague, that they have been incapable of individual investigation. And we shall deal with them together in a later portion of this report. But there are one or two further incidents in this district that deserve specific, but brief, mention.

1. A specific and serious charge has been made against Mr G. E. Rollins, that on the 1st of August 1938 he arrested U Kyaw Shein, a prominent citizen of Wakèma, for the purpose thereafter of extorting money from his wealthy wife. This allegation has been been to us specifically by our Wakèma witnesses Nos. 3, 4, 6 and 20. The charge is that, having arrested the gentleman in question on a charge of rioting, he demanded, through an intermediary, a sum of Rs. 5,000 from his wife as the price of his release. We have treated this charge judicially and have examined it at considerable length and have tested it at every point where it can be tested. We are satisfied to express a considered opinion, judicially arrived at, that the charge is a false one and is part and parcel of the series of attacks to which this officer has been exposed. Unless other authorities so desire, we are amply content to leave it at that.

(¹) See page 96.

2. A serious incident took place at the Myaungmya jail on the 12th of August 1938 when some twenty Muslim witnesses were taken there for the purpose of identifying rioters. It has been said that the Burman Township Magistrate at Myaungmya warned these witnesses that they were not to make any identifications. It is said that the jail staff took no steps to prevent these witnesses being threatened even by the prisoners themselves awaiting identification. This matter has been made the subject of a report to the District Superintendent of Police, Myaungmya, by a Sub-Inspector of Police of the Criminal Investigation Department who was detailed for the duty of conducting the witnesses in question to the identification parade. A copy of this report will be found exhibited among our records in the evidence of the District Superintendent of Police, Myaungmya.

3. A specific charge of corruption has been made by our Myaungmya witness No. 37 against the Police Station Officer of Kanbe. His name is Maung Chit Pe. It is said that he demanded and received a sum of Rs. 25 from each of four men, whose names will be found in our record of this witness' evidence, as the price of the release of six Burmans who were arrested on the 31st of August in connection with the riots. This charge is made in a most specific form by more than one witness and it ought, in our judgment and in justice to the Police Officer and the public, to be further investigated. Moreover, this group of witnesses, of whom witness No. 64 was the spokesman, has alleged that this Police Station Officer is a drunkard and corrupt.

4. At Kyonmange a gentleman named U Ba Sein was arrested. He is a prominent villager. The circumstances in which his prosecution was withdrawn should, in our judgment, be further and specially investigated.

We have mentioned these specific items, not because they are the only items that have been brought to our attention, but because they have been made in a sufficiently definite form to warrant, as we think, a proper departmental investigation.

CHAPTER XII.

The Maubin, Henzada and Promé Districts.

1. MAUBIN DISTRICT.

Yandoon.

Rioting at
Yandoon
only on the
31st July and
the 8th
September.

At Yandoon there were, in fact, only two occasions upon which anything in the nature of real rioting took place. The first was on the 31st of July and the second was on the 8th of September.

Fight at the
football
match.

The official account ⁽¹⁾ of what happened is this :—

"31st July 1938.—At about 8 p.m. on the 31st July, I received a telegram from the Subdivisional Officer, Yandoon, regarding the outbreak at 5-30 p.m. of disturbance at Yandoon. The trouble started at a football match in the same evening when there was a quarrel between the two spectators, the origin of which no one could tell. Some spectators ran into the town and those ahead realized that there was nothing short of a riot. It was, however, brought under control. Five Indian women were injured, one of whom over 60 years of age being seriously hurt and three road-side beetle stalls were demolished. Immediate medical attendance was given to them by the local Sub-Assistant Surgeon Dr. Anoop Singh and they were also given financial aid of Rs. 82 being the subscription raised by the Burmese and Musalman elders of Yandoon. Nine persons were detained in the Police lock-up. At about 9 p.m. a mob of over 100 *pongys* armed with *dahs* and sticks came unexpectedly into the town to cause disturbance. They demanded the release of nine persons detained in the lock-up. The officers on the spot (Subdivisional Officer and Subdivisional Police Officer) and a few elders of the town then present requested the *pongys* not to cause disturbance but they insisted to do so unless the detenus were released. As according to the Subdivisional Officer and Subdivisional Police Officer they undertook to see that no further disturbance would take place and as it was the only means under the circumstances to avert bloodshed, looting and demolition of mosques it was agreed by the Subdivisional Magistrate and the Subdivisional Police Officer, Yandoon, to accede to their demand and nine persons were accordingly released. Nothing untoward happened that night; the mob dispersed and the *pongyis* returned to their *kyauangs*."

Alternative
version of
how affair
started on the
31st July.

The account we received in evidence does not wholly agree with the official account. We are inclined to think that the trouble really started on the 31st of July in the bazaar with an attack by Burmans on some Indians and that when rumours of this reached the crowd of some

⁽¹⁾ Report of the Deputy Commissioner, Maubin, to the Commissioner, Irrawaddy Division, dated the 3rd September 1938.

five thousand at the football match that crowd got out of hand. The difference, however, is not important except, possibly, for a suggestion we have received from a very reliable witness that the assault on the Indians in the bazaar may have been deliberately timed to coincide with the football match.

This town, as others in the District, had been disturbed by Maung Shwe Hpi's book, by rumours of the same kind as we have mentioned in connection with Wakema and by the newspapers coming from Rangoon. Between the 27th and the 31st these newspapers had been held up and they arrived together on the morning of the 31st, including the issues of the *New Light of Burma* and the *Sun* containing the pictures of the alleged happenings in Rangoon at the Soortee Bazaar on the 26th of July. We do not doubt in this case too that these newspapers contributed to the disturbance which broke out immediately afterwards.

Arrival of newspapers on 31st July.

There seems to have been in addition a deliberate attempt on the part of certain *pongyis* to inflame Burmese opinion against, at any rate, one Muslim resident, a certain Mutalib. This man and a woman called Ma Pu were charged by the *pongyis* with uttering insults against the Buddhist religion. But from the information before us we think that this was a gross exaggeration. It arose, we think, from the tittle-tattle of two Burmese ladies, one of whom overheard the Muslim saying that, if the Burmese were to arm themselves, the Muslims would too. This she was careful to report to her neighbours and in course of time, it reached the *pongyis*, no doubt in a very exaggerated form. However that may be, the Muslims at large, including Mutalib, spared no pains from the 1st of August onwards to dissociate themselves from Maung Shwe Hpi's book and make it clear that they, at any rate, regretted that the Buddhist religion should have been attacked. The great bulk of the *pongyis* of Yandoon—which we understand is a place well-known for the sincerity of its *pongyis*—took a most reasonable attitude and not only accepted the apology of the Muslims but actually expressed their view that there was no occasion for the matter to go any further.

Attempt by *pongyis* to inflame opinion against Mutalib.

In the course of this disturbance on the 31st of July, five Muslim women were injured by the attack which took place by the Burman mob upon a house in the bazaar.

The only serious aspect of this matter which demanded careful attention from us was the incident following the arrest of the nine men who had been taken to the police station in connection with the affair. The official account is substantially accurate and it is a fact that the Subdivisional Officer and the Subdivisional Police Officer released these nine persons in deference to the demand of the armed crowd of *pongyis* and laymen. We understand that a departmental enquiry has been held in connection with this and that it has been found to have been a grave dereliction of duty on the part of, at any rate, the Subdivisional Officer and the Subdivisional Police Officer. We ourselves, however, having heard the evidence of a number of responsible people in Yandoon, are not so readily prepared to find that it was either an error of judgment or a dereliction of duty, grave or otherwise. It has

Release at the request of *pongyis* of nine men who were arrested.

Departmental enquiry on the action of the Subdivisional Police Officer and the Subdivisional Officer.

been pointed out to us that at the time the Indians who suffered were too terrified to come forward to give evidence. This has been a common feature all over the country. More than one responsible witness tells us that unquestionably the release of these men did avoid considerable bloodshed on that evening. We are aware that it is not always right to judge actions by results and that, in the case of the incident at Wakema, which at first sight may seem to bear some resemblance to this incident, we have been severe in our comments upon the Subdivisional Officer concerned there. We can, however, on examination find very little parallel between the two cases, as the position at Wakema at the time of the incident was undoubtedly far graver than it ever was at Yandoon. At Toungoo⁽¹⁾ also a similar demand was made by *pongyis* for the release of arrested men. There it was resisted. The fact is that every case must be judged on its own circumstances. We appreciate to the full, as will be seen more than once in our report, that authority cannot yield to threats. On the other hand we think it unreasonable to try to lay down hard and fast rules in matters such as these. If the man on the spot, exercises his discretion reasonably and *bona fide* and without culpable impropriety, we do not think he should be blamed. It is not perhaps proper for us to comment upon the opinions which the police authorities may have formed in respect of the conduct of the Subdivisional Police Officer. We shall content ourselves with saying, as regards the Subdivisional Officer who was equally responsible with him for what happened, that we think that, in all the circumstances, it is impossible to say with justice that he acted in culpable neglect of his duty.

The funeral
of U Lwin.

8th September.—So matters rested until the 8th of September. After the incident of the 31st of July a small party of military police was sent to Yandoon but they had subsequently been withdrawn. Very fortunately, however, and with commendable foresight on the part of the District Superintendent of Police on no very certain information, a party of ten military police under a Havildar had been sent to Yandoon again on the 6th of September. On the morning of the 8th of September the funeral of a prominent resident named U Lwin took place in Yandoon and attracted a thousand or more villagers from the surrounding places on that morning. The District Superintendent of Police, on learning this, very wisely sent a message that Indians were to remain in their houses. After the funeral which took place between 1 and 2 o'clock in the afternoon there was some slight trouble as some of the younger *pongyis*, who followed the procession, threw stones on their way back at the Indian houses in the Kaladan Quarter. But nothing serious came of this. There is reason to think that in the evening there was a meeting of *pongyis* at the *Naingan-e-tazaung*. But that too passed off without any incident. The only significance of these trifling events is in respect of what happened later.

Three simultaneous outbreaks at 8 p.m. in all of which *pongyis* took a prominent part.

At about 8 p.m. there were three almost simultaneous outbreaks in the town, in each of which it is conclusively proved that armed *pongyis* took part. The first of them was at the small Bengali Mosque near the Kaladan Quarter. This mosque was attacked and partially burnt by a crowd of armed persons in which *pongyis* predominated. There were at the time three stationary

(¹) See page 209.

pickets in the town and one of these was quickly on the spot under the command of the Subdivisional Police Officer. He had with him the 1st Additional Magistrate, two Sub-Inspectors of Police, two Head Constables and seven Constables and the party was, we think, reinforced later by four or five of the military police. The rioters were called upon to disperse and not doing so were fired upon by the police from a distance of between eighty and ninety yards. There is no question but that this firing was justified and was, in fact, ordered by the Magistrate. But a remarkable and disturbing feature of it is that out of the seventy-five rounds fired, forty-nine by the civil police from their muskets and twenty-six rounds by the military police from their rifles, only three casualties occurred, one *pongyi* and one layman being killed and one layman being wounded⁽¹⁾. We can only be glad that the casualties were slight but the disproportion between the number of rounds fired and the number of casualties raises a serious question and we have been at some pains to satisfy ourselves that the police, when ordered to fire, did in fact carry out their duty. We have examined the spot, which is much overhung by trees. It was dark at the time and it is said that shadows were cast by the trees so as to give the impression from a distance of figures running about. We think that a good deal of fire was directed at the shadows, the real rioters having in fact taken refuge in the Mosque itself. The Subdivisional Police Officer has been sharply criticised by his own superior officers for not advancing to closer range before firing. We think that that is true and that a more experienced officer would have done so. But at the most this amounts to an error of judgment. We think too that the fire was not well controlled. Far too many rounds were fired and it is obvious that a great deal of it was at random. This is very bad, because when fire has to be resorted to it must be made effective⁽²⁾. But we cannot say positively that there was any *deliberate* attempt by the men to avoid hitting the rioters. In the nature of things it would have been impossible to get actual evidence of that. There may have been. But we cannot take it as proved. We think that the surroundings were a little unfavourable to accurate fire, particularly from a distance. And we think that the fire was ill controlled. We are told by the District Superintendent of Police that the Subdivisional Officer of Police in question is a good officer but liable to become excited. That is probably what happened. We are not prepared to say that there was any deliberate failure of duty either on his part or on the part of the force with him. Eventually the mob was dispersed.

The shooting at the Bengali Mosque and the number of rounds fired in relation to the casualties.

Before this incident was fully over, another party of rioters led by *pongyis* made an attack in the Muslim Quarter of the town near the Irrawaddy Flotilla Co., Ltd's. jetty. The Subdivisional Officer at once went there with ten or twelve men and actually saw *pongyis* attacking Indian houses. He ordered them to disperse and, when they did not do so, ordered his party to fire upon them from a range of about one hundred yards. Twelve rounds were fired and one *pongyi* was killed and one or two laymen wounded. There is no doubt that but for the

Simultaneous attack near the jetty.

(1) We think we are right in saying that this is the occasion on which the greatest volume of shooting took place anywhere in Burma, during the riots.

(2) *Vide* Police Manual, paragraph 71:—"It should, if possible be distinctly intimated that, if an order is given to fire, the fire will be effective and that blank cartridge will not be used."

timely intervention of the police there would have been serious disorder at this spot. Even so, some considerable damage was done both to the houses and sampans on the river-side. The crowd even went to the Irrawaddy Flotilla Co., Ltd's. flat but the steamers had by that time moved out into the stream.

Third simultaneous outbreak in the eastern quarter at Mahomed Ali's house.

Almost immediately this was over, a third incident took place in the eastern quarter of the town. The incident at this point has given rise to an acute controversy of fact. The house where it took place is on the main road running parallel with the river bank from east to west through the town. Mahomed Ali was the house owner and his son, Abdul Huq, was a licensed gun-holder, having a smooth bore musket (.410) and a permit to hold ten rounds of ammunition. Another crowd, consisting of armed *pongyis* and laymen, came along the road from the east with the intention of attacking Mohamed Ali's house. There is no doubt that this house and its occupants were their objective. They started to throw stones at it. A policeman in the town at once went and fetched the police party which eventually came, consisting of the Subdivisional Police Officer, the 1st Additional Magistrate and five military policemen. The story, as told by the police, is that, after warning the crowd, they were ordered to fire and did fire four rounds, one *pongyi* and one layman being killed. An exceedingly curious feature of the whole matter is that the neighbours themselves, of whom we have heard a considerable number in evidence, have said, both before us and at the police enquiry, that the police party did not fire at all and that the only firing done was from the upper storey of the house by Abdul Huq with his licensed gun before the police party arrived. In short, the inhabitants say with one voice that Abdul Huq shot the *pongyi* and the layman and that the police did not fire at all, which is a startling departure from our general experience that every opportunity is welcomed to blame the police. This controversy of fact has been the subject both of enquiry by the Deputy Inspector-General of Police, Western Range, and by the Criminal Investigation Department. The Deputy Inspector-General of Police has come to the conclusion on the evidence that the police fired and that Abdul Huq did not. The Criminal Investigation Department has come to the conclusion that both Abdul Huq and the police fired.

From our point of view we do not think the matter is very important. Even though it be the fact, which we doubt, that Abdul Huq alone fired and killed the two victims of the affair, it remains quite certain that he did so after his own house had been invaded by an ugly crowd and that what he did in no way contributed to the causes of the disturbances. We have heard a number of witnesses ourselves and we have read the findings of the police enquiry. We are inclined to the view taken by the Deputy Inspector-General of Police that the police fired and that Abdul Huq did not. We think that the whole doubt arose from the misunderstanding of what the Havildar originally said in evidence. He said "Humto nein mara" meaning that *he himself* did not fire. That was taken to mean that the whole party did not fire. That, we think, gave rise to the original doubt. It is probable that the inhabitants have made a determined attempt to fix the killing on Abdul Huq because undoubtedly he was and is an unpopular figure whom they would willingly see removed. There has been, and still is, a good deal

of misunderstanding of this incident among the people of the town. And it seems to us that the sooner the police issue a concise finding as to the result of their enquiry the better it will be.

These are the three incidents which made up the disturbances on the 8th of September. They involved seventeen casualties, one *pongyi* killed at Mahomed Ali's house, another at the Bengali Mosque and another at the scene of the disturbance on the Strand Road ; two laymen killed, one at the Bengali Mosque and the other at the scene of the disturbance near the Strand Road ; four men wounded by rifle fire, three at the scene of the disturbance near Strand Road and one at the Bengali Mosque. In addition there were eight casualties from *dah* and stick wounds inflicted by the rioters, including the five women injured on the 31st of July. Casualties.

The most interesting matter from our point of view has been to determine whether the outbreak on the 8th of September was an organized outbreak or not. We have very little doubt on the evidence but that it was. It is a fact of which we are satisfied that a great deal of tattooing of *pongyis* had been going on in Yandoon for the two or three days previous to the outbreak. The man who did the considerable amount of tattooing has been found. He was Nga Pein of Kyaungbaing. By profession he is a tattooer against snake-bite. But we understand that he came to the town some two or three days previously to the outbreak to visit his brother in the Taikthit *Kyaung* and that while there a number of the *pongyis* got him to tattoo them against *dah* and gunshot wounds. These tattoo marks were found upon one at least of the *pongyis* who were killed and upon a number of persons and *pongyis* who were subsequently arrested. There was also another sinister figure in the town some time previously to the 8th of September in the shape of a person known as the Pauktaw *pongyi*. Whether or not he was actually doing tattooing we are not sure. But it is certain that at five o'clock on the evening of the 8th of September he gave the police information that there would be an organized attack later on that night. The fact that the three outbreaks took place in widely scattered parts of the town almost simultaneously and that, in each place, there was a separate crowd led by *pongyis* points strongly to the attack having been organized. Moreover, the circumstance that a large number of villagers were present in the town on that day for the funeral lends additional colour to the theory that the disturbance was premeditated. We have received information from more than one source that a strange *pongyi* had come to Yandoon from Rangoon within the previous few days and that he was inciting people to riot. It has been impossible to identify who this man was but we received the information from responsible sources and we believe it to be true. Was the outbreak organized?

In our judgment the outbreak of the 8th of September was an organized outbreak. The time coincided with the date of the funeral of U Lwin and it was planned to take the shape of three simultaneous riotings in different parts of the town. It was, we think, anticipated and, with the exception of the indiscriminate firing at the Bengali Mosque, well dealt with by the police. Though we deplore that men should have lost their lives, we are nevertheless satisfied that the firing which took place It was organized.

was legally justified, necessary and humane. In one case, namely, in the case of Maung Tin who was the layman killed in front of Mahomed Ali's house, we have every reason to believe that he was an innocent, but imprudent, spectator of what was going on. His is a deplorable example, of which we have come across many in the course of our enquiry, of what the result may be to innocent persons of the evil done by ill-disposed and wicked agitators.

The Sub-
divisional
Police
Officer.

In view of the criticisms which have been made of the Subdivisional Police Officer in the report of the Deputy Inspector-General of Police, we think it right that we should say, if we may properly do so, that at most his handling of the situation should, in our opinion, be criticised upon the ground either of inexperience or over excitement. It is true that he might in each case have advanced rather closer to his objective before firing. But we doubt whether this ought to tell seriously against him. In other respects he seems to have handled the situation well. As regards the Subdivisional Officer we have already said that we find it difficult to blame him for the part he played in the release of the nine men on the evening of the 31st of July and it follows that we must take the same view as regards the part played by the Subdivisional Police Officer. The District Superintendent of Police himself has told us that, as far as he is personally concerned, he does not identify himself with the criticisms which have been made against the Subdivisional Police Officer.

The Sub-
divisional
Officer.

The causes of
the rioting.

As regards the causes of the disturbances at Yangoon we think that the first disturbance on the 31st of July was sympathetic with the Rangoon riots and was inspired by the same offence given by Maung Shwe Hpi's book, worked upon by the same rumours of events in Rangoon which operated elsewhere in the country as well. We think also that the circumstance that the delayed newspapers arrived on the morning of the 31st of July affords a signal proof of the damaging effect that exaggerated and untrue accounts of what happened in Rangoon, coupled with the pictures, had upon feeling in the Districts.

As regards the cause of the disturbance on the 8th of September we have come to the conclusion, as we have already said, that this was a deliberately planned affair organized, we think, with the assistance of a comparatively small section of disaffected *pongyis*, in all probability assisted by emissaries from Rangoon. There is no doubt that this minority of evil *pongyis* not only organized the affair but took an active part in it, with arms in their hands. They were the leaders of the crowds.

The *pongyis*
of Yangoon.

It is right that we should say before we end this part of our report that the majority of the *pongyis* in Yangoon behaved with credit to themselves and their Order, though a number of "bad *pongyis*" did take part in the rioting and even organized and led it. There are, we are told, over thirty *Kyaungdaiks* and some twenty-six *Payas* in Yangoon, representing, we do not doubt, a very large number of individual *pongyis*. A majority of the *pongyis* not only refrained from taking part in the disturbances but openly expressed their disapproval

of them. We have already mentioned that the *pongyis* as a whole freely accepted the Muslim apology given on the 1st of August. The *Sayadaws* of the *Kyaungs* to which the *pongyis* shot in the riots belonged refused to take their bodies back into their *Kyaungs* on the ground, we believe, that they had disobeyed the rules of their Order. And we understand that over fifty *pongyis* have, since the disturbances, left the place, ostensibly upon the ground that they do not wish to be involved in the enquiries which must follow, but actually, we have reason to believe, upon the ground that they had been ejected from their monasteries as unworthy to remain in them. We say this because we should by no means care to leave the impression that we think that the *pongyis* of Yandoon were without exception bad.

We have come across one small allegation which we think should be made the subject of an investigation in the interests of the officer himself and of the public. It is an allegation of extortion against the Detective Sub-Inspector U Ba Tin of Maubin, details of which will be found in the evidence of our witness No. 1 of Yandoon.

Allegation of police extortion.

We desire to mention before leaving this District the representation of the District Superintendent of Police, with which we venture to agree, that it would be desirable to maintain in Yandoon a small post of military police. We do not say this because any further trouble is expected but because it is a busy town of nine thousand inhabitants.

Post of military police in Yandoon.

We particularly desire to comment in connection with Yandoon upon the assistance received by the authorities from U Hla Thwin, President of the Municipality, and Musaji Bham, Municipal Councillor and leader of the Muslim community. Both these gentlemen appear, in their respective spheres, to have done all that lay in their power to assist the authorities and to maintain peace in the place.

Assistance received by the authorities from U Hla Thwin and Musaji Bham.

At Maubin itself and at Pantanaw there was some tension during the disturbances and one or two slight alarms but nothing of importance happened and we do not think it necessary to deal specially with these two towns in our Report.

Maubin and Pantanaw.

2. HENZADA DISTRICT.

The two principal places with which we are concerned in this District are Henzada and Myanaung. So far as the District as a whole is concerned the disturbances took the form of isolated, and, with the exception of Myanaung, comparatively slight incidents, in a considerable number of places, over a wide area and over a considerable period. Only at Myanaung itself was there what we may describe as a major incident. The wide area covered by the disturbances and the time taken before they settled down are the chief features of the District.

In general.

Henzada Town.

Henzada Town itself was, we are glad to say, on the whole comparatively free from disturbance. This is due, we feel, to the competent handling of the situation there by the Deputy Commissioner

Henzada Town.

and the District Superintendent of Police to which must be added the willing help they received from the elders, both Burman and Muslim of the town. To these the gratitude of its citizens is due.

"Peace"
efforts.

The official news of the riots in Rangoon was first received in Henzada by telegram from the Inspector-General of Police to the District Superintendent of Police. The District Superintendent of Police himself happened to be away at Myanaung when the telegram was received. Although this had no unfortunate consequences here, it is another instance of an officer who might, and probably would have been at his headquarters if he had known that trouble was to be expected. The message was, in fact, accepted by the Deputy Commissioner who, in the absence of the District Superintendent of Police, immediately issued all necessary instructions both to his own subordinates and to the police officers throughout the District. On the 28th and 29th the Burmese and Muslim elders were got together and splendid work was done by them in close association with each other in urging people to be peaceful. In this way the *pongyis* and the people were persuaded to forgo holding meetings. A pamphlet was at once got out by the Burmese and Muslim elders announcing that the Government had already taken action against Maung Shwe Hpi's book. This was widely distributed throughout the District. On the 3rd of August a comprehensive conciliation committee was organized comprising *Sayadaus*, Burmese laymen of all political complexions and leading Muslims. Press owners were warned not to print pamphlets likely to cause tension and every possible step was taken to see that peace was preserved.

30th July.
Incident in
Henzada
Town.

22nd August.

28th August.
Minor distur-
bances.

Arrest of
U Thumana.

On the morning of the 30th of July, however, there had been an incident in which a Muslim was killed near the bazaar in the Tagale Quarter of Henzada Town. On the next day a Kaka shop at Kanhla, two miles outside the town, was damaged. Nothing further, however, of a disturbing nature occurred in Henzada until the 22nd of August when a very foolish Muslim Jailor, who was on leave in the town, fired a shot to frighten, as he says, three persons who were throwing stones at his house. This in itself was a very minor matter. But it might have had, and to some extent did have, serious consequences. On the 28th of August, as a result of two *koyins* being injured by stones thrown by some unknown person near the same house, a slight disturbance began in which three Kaka shops were attacked by some hooligans, a Hindu dhobi was assaulted and some stones were thrown at the Irrawaddy Flotilla Company's express steamer. A Chittagonian jumped into the river to escape the assault and was drowned. This again was in itself a rather minor affair and it would be unfair to class it as a "riot". But it was enough, in the highly charged atmosphere prevailing at the time, to start a number of other sympathetic incidents in which two other Kaka shops were attacked and damaged. A number of armed *pongyis* at about half past ten that night attempted to set on fire some Muslim shops and road-side stalls. This last-mentioned incident gave rise to the arrest of the *Pongyi* U Thumana, which has caused some misunderstanding. On the following day there was another minor assault at Kanhla Village, two miles outside the town, upon a Kaka shop. There was another slight disturbance on the 7th of September which led

to an attack by a small number of Burmese laymen and *pongys* upon some Indian shops accompanied by a certain amount of stone throwing. This, however, was satisfactorily dealt with.

These were really the only incidents in Henzada Town itself and it is, we think, fair to say that at no time, in our opinion, did they assume the proportions of positive rioting. They were in the nature of isolated incidents due to the prevailing nervousness. This resulted in minor outbreaks for trifling or no reasons. Only on the 28th of August could there be said to have been anything approaching a riot and even then things did not go very far.

No real rioting at Henzada Town.

We do not think we need deal further with Henzada Town in itself except possibly to add that the District Superintendent of Police has informed us that, in his opinion, the establishment of civil police in the town is inadequate for the proper performance of its duties even in normal times and that it ought for efficiency, if not for safety, to be increased by one police station. We understand that Henzada has an establishment of some 78 military police of all ranks, of whom at the actual date of the disturbance only 71 (including two Jemadars and 14 N.C.Os.) were available. Henzada was in 1931 a town of 28,542 inhabitants, of whom between four and five thousand were, we are told, Indians. It has, moreover, a wide District to control. The District Superintendent of Police thinks that the establishment is insufficient, especially in view of the fact that there is at present no permanent post of military police at either Myanaung or Kyangin. We content ourselves with saying that the views expressed to us by the District Superintendent of Police deserve consideration. There is no doubt that, had there been a serious outbreak of disturbance at Henzada, it would have had a most serious repercussion throughout the District. Happily Henzada acquitted itself with credit and in this instance its establishment of military police was sufficient. But that might not always be the case.

The District Superintendent of Police suggests an insufficiency of Civil Police.

Police action in Henzada Town.

As far as Henzada town is concerned there is happily nothing for us to comment upon, except possibly the arrest of U Thumana. As we have mentioned this caused some little misunderstanding. There is a tendency for police action wherever it involves either the arrest or the injury of a *pongyi* to be the subject of considerable adverse criticism. We have endeavoured, therefore, to examine such cases with more than ordinary care. This *pongyi* was sent up for trial but his case was "withdrawn". We make the same comment we made at Wakema that an unfortunate result of the withdrawal of many cases, and among them this one, has been not only to encourage a supposition of improper arrests but to deprive the police of the only conclusive answer they might have to these charges. We have examined this case with care. U Thumana was arrested either among, or, according to the version of his sympathisers, on the outskirts of, a crowd engaged in endeavouring to set fire to a house. He had in his hand a bamboo stick and an iron rod of the thickness of the little finger—both strange instruments to be carried by a peaceful *pongyi*. The attack on the

The arrest of U Thumana.

house and U Thumana's arrest were actually made in the presence of Mr. Breadon, the Headquarters Assistant to the District Superintendent of Police, Mr. T. C. Torrens, the Subdivisional Judge and, we think, Mr. Prescott, the Deputy Inspector-General of Police, Western Range. We have no evidence as to the circumstances in which the case against him was withdrawn. But we are quite satisfied that there was ample material upon which his arrest was properly effected. He was released on bail within two or three days by the Deputy Commissioner and subsequently charged with a deliberate attempt to cause death or grievous hurt, with arson, and with resisting the authority of Government under the Police Act. But, as we have said, the case was eventually withdrawn.

Myanaung.

The only serious disturbance in the District.
1st August.

The affair near Esa Bhai's shop.

We have already said that the only major disturbance in the District took place at Myanaung. On the 1st of August there were two slight incidents in the town. A Hindu barber, Narandralal Seal, slapped a Burmese boy. The barber says that the boy had thrown a stone at his shop. However that may be, it started a little disturbance in which the barber was severely beaten and certain roadside stalls owned by Indians were damaged. An order under section 144 of the Criminal Procedure Code was then issued by the Subdivisional Magistrate. Later in the morning, there was an incident outside the house of one Esa Bhai. This man was in the possession of a B.S.A. Air Gun. There are two versions of what happened. One is that Esa Bhai deliberately fired his air gun and caused some injury to passing Burmans. The other is that his house was attacked by a mob of armed Burmans and that Esa Bhai fired his air gun in self-defence. The latter is probably the true version. The result in either case was that four Burmans were injured. Esa Bhai and his father are under trial in respect of this matter under section 326 of the Indian Penal Code and, we think, therefore, that we ought not to discuss it in detail. The incident is relevant to our inquiries, however, because it was used before us by the Burmese witnesses of the town for the purpose of putting the blame for what happened on the following day onto the Muslims. Undoubtedly, in the highly charged atmosphere at the time, the incident, whichever version is true, created a considerable stir.

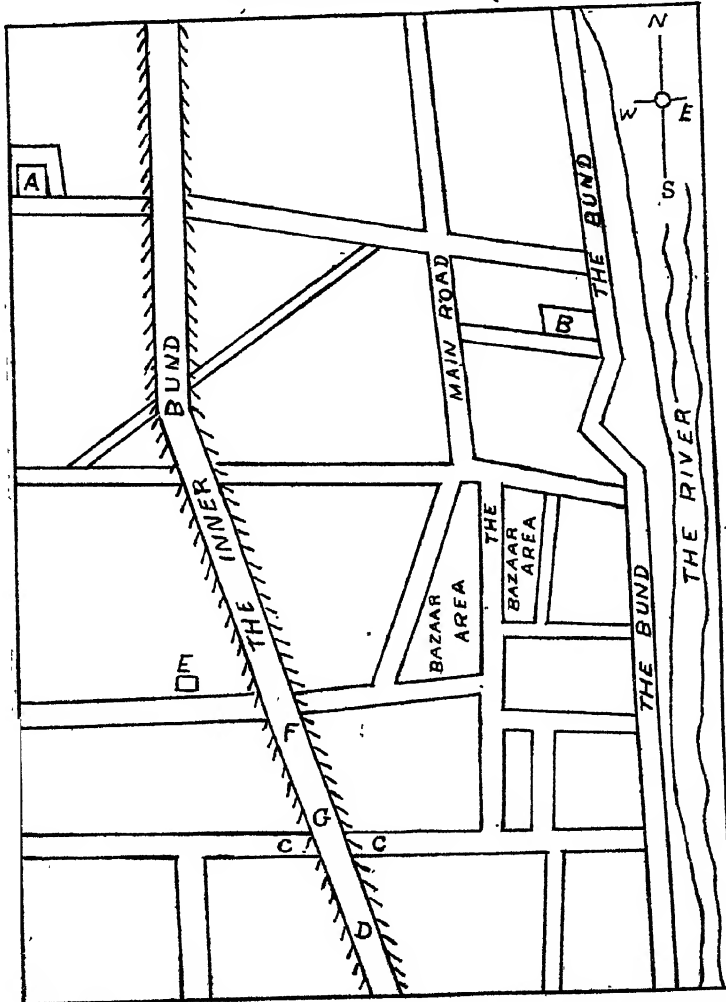
2nd August.
Opportune arrival of the District Superintendent of Police.

Collection of a dangerous crowd at 11-15 a.m.

At 11-15 a.m. on the following day, the District Superintendent of Police himself arrived by train from Henzada. No doubt he had heard of the incidents of the previous day. It was very fortunate that he arrived when he did, because he was just in time to deal with the serious disturbance that broke out. No sooner had he arrived and been met by the Subdivisional Officer than they were told that the Burmans "were out". A large crowd had in fact collected armed with *dahs*, spears, stones and sticks. There is not the slightest doubt but that this crowd was a dangerous "unlawful" assembly. The District Superintendent of Police himself at once collected fourteen military police and some constables from the police station and followed this crowd. For the sake of clarity we give a little sketch plan on the next page. It is not to scale. This crowd first went to what

is known as the Mosque (marked A) and there set about damaging it. The District Superintendent of Police was, however, able—not without difficulty—to disperse them by warning them and getting them to move on.

MYANAUNG (NOT TO SCALE)



There is a bund, known as the inner bund, running from north to south at a distance of about a quarter of a mile or so from the river. The town of Myanaung is situated between this bund and the river. After the crowd left this Mosque, which is just outside the bund, they crossed it and turned east into the town. On the way they attacked another Mosque (marked B). Here the District Superintendent of Police had to threaten to fire unless they moved on. He was successful by this means in getting them to do so. The crowd then split up into two parts, one part going towards the bazaar and the other

Course taken
by the
crowd.

Arrival at the
zayat.

Appearance
of the second
crowd and
attack on
Fateally's
house.

Three shots
fired at
crowd at
Fateally's
house.

Police
immediately
attacked by
the crowd at
the zayat.

Was the
firing at the
crowd at
Fateally's
house
justified?
It was.

going west towards the inner bund again. The District Superintendent of Police and his party followed the party which went through the bazaar. That crowd passed through the bazaar throwing stones at Muslim shops on the way. Eventually the police party again reached the inner bund at a point where there is a *zayat* known as the Yingwe *Zayat* which is astride of the bund and is marked C C on the sketch plan. Here he found the crowd again collected about one hundred yards to the south of the *zayat* at about point D. At the same time, the other crowd made its appearance about a hundred or a hundred and fifty yards further along the bund to the north, near the house of one Fateally (marked E) which it proceeded to attack with determination. The effect of this was that the District Superintendent of Police with his party of fourteen military police was between the two mobs, one collected near the *zayat* and the other actively engaged in attacking Fateally's house. What the District Superintendent of Police did was to leave seven of his military police facing the *zayat* crowd near point G, while he took the remaining seven to deal with the crowd outside Fateally's house. This latter party went north along the bund till they were within a hundred yards of Fateally's house, which lies slightly to the west of the bund, at approximately point F on the sketch plan. This crowd was a crowd of one to two hundred strong. It was fully armed and comprised several *pongyis*. It was actually trying to break into Fateally's house, the inmates of which were inside. The District Superintendent of Police, and the Subdivisional Officer who was with him, three times warned the crowd to disperse and that if they did not they would be fired upon. The crowd did not disperse but continued to try to break into the premises. Accordingly, under the instructions of the Subdivisional Magistrate, the District Superintendent of Police ordered three single shots to be fired. As a result one *pongyi* was killed and the crowd immediately dispersed.

As soon as this had happened, the other crowd near the *zayat*, on hearing shots fired, became menacing and made a movement towards the military police party which had been left at about point G to stop this crowd from returning into the town. The District Superintendent of Police and the Subdivisional Officer hurried back along the bund to this crowd and warned it three times to disperse. It did not disperse and again three single shots were fired by the military police. Eight people were hit including one woman, two of whom died in hospital on the same day.

That is a plain narrative of what happened at Myanaung, and from that point onwards everything was quiet. The incident has been the subject of a determined attack on the District Superintendent of Police and upon the Subdivisional Officer, upon whose orders the shots were fired and we have made a careful and exhaustive inquiry into the circumstances. As we have shown, the District Superintendent of Police and the military police party followed this armed mob for over an hour and a half. At three points, at any rate, on the way it showed conclusively what its intentions were. At the first Mosque it was only dispersed without the use of force with considerable difficulty and after doing considerable damage. Again, at the other Mosque, it was dispersed again only after the threat of the use of military force. As it passed through the bazaar it damaged Muslim shops. It is, we think,

clear, beyond a possibility of doubt, that it was an assembly as "unlawful" as any assembly could be and that it was highly dangerous. We come now to what happened at Fateally's house, the first occasion on which firing was resorted to. There the crowd was in the process of making a vigorous attack on the house in an attempt to get at its occupants who were inside and there is, to our minds, no doubt that, not merely property, but the lives of Fateally and his family were at the moment in grave danger. The crowd, which was warned three times, failed to disperse and then three single shots were fired. We think that the action of the District Superintendent of Police was not only justified but that it was no more than his duty and that he showed throughout great restraint, not least in the fact that he confined the firing to three shots only. It is unfortunate that the man hit happened to be a *pongvi*. But the answer to that is, that a peaceful *pongvi* had no business to be engaged in an unlawful assembly. But we do not for a moment believe the story we have been told that he was either a mere spectator or that he was a passer-by. The evidence to our minds is conclusive that he was actually engaged in rioting. The only other point in connection with this is that the *pongvi* was hit by a bullet which went in at the back and came out at the front. The explanation for this is quite simple, namely, that the crowd which was attacking Fateally's house was between the police and the house and accordingly it was natural that the persons engaged in attacking the house should have had their backs to the police. We find no difficulty in accepting this.

As regards the firing near the *zayat*, we think, too that the District Superintendent of Police was fully justified in the course he took and that, again, his proceedings were marked by humanity and restraint. It is true that in this case the crowd was not actually engaged at the moment in attacking property nor in assaulting any person. But it was some three hundred strong, fully armed and there was grave danger either that it would attack the police force itself—which in fact it was threatening to do—or, at any rate, that it would return to the town. If it did that there was no knowing what might happen. The crowd quite plainly showed its intention by refusing to disperse and the District Superintendent was right, in our view, in dispersing it at that point at all costs. There are, however, two curious circumstances arising out of the casualties which resulted from this firing. The first is that out of the eight people hit six were hit in the back. We have satisfied ourselves that that is true from the hospital records. It is a circumstance which has been made much use of to support a contention that the crowd was already running away when the firing took place. We have examined it very carefully. From the evidence given by the District Superintendent of Police himself and the Subdivisional Officer, both of whom gave their evidence in a very frank and straightforward way, we are satisfied that the story they told us is true. Practically none of the witnesses who advanced the theory that the crowd was running away when fired on, were actual eye witnesses of the shooting. We think that the real explanation of this phenomenon is, either that certain persons in the front of the crowd had their backs to the police at the moment in their endeavour to incite the crowd forward or that on the first command by the District Superintendent of Police to disperse some few had in fact turned round while the others came on. At any rate, we are satisfied that we have been told by the police and the Subdivisional Officer the true story of what happened when the

Was the firing at the crowd at the *zayat* justified? It was.

Allegation that the crowd was running away when fired upon.

crowd was fired upon. It was, taken as a whole, an advancing and threatening crowd and not a retreating crowd. The other curious circumstance is that three bullets should have injured as many as eight persons. We were inclined to think at one stage that possibly more than three shots had been fired. But we are satisfied that this was not so. The range was about a hundred yards and the weapons used were service '303 rifles with service ammunition. We understand that it is not impossible that a single bullet in those circumstances should traverse three or four people if they are tightly packed together. Moreover, even the Burmese witnesses who heard the shooting are unanimous in saying that not more than three shots were fired.

Causes of the disturbances in the District.

Causes of the disturbances in the District.

The "Indian Question."

Untrue rumours from Rangoon.
The Press.

At Henzada we have probably been fortunate in receiving the evidence of a number of responsible witnesses who have given us their views in a most temperate manner. At Myanaung we have been less impressed with the temperance of those who have given evidence before us. But in both cases the causes appear to have been much the same. There existed the same uneasiness and resentment on the part of the Burmese population at the participation of Indians in the trade and commerce of the country, at their holding Government and commercial appointments, and at their special representation in the House of Representatives and upon Municipal Committees and District Councils, all of which they most imperfectly understand. That these feelings had been worked upon, if not created, by political propaganda prior to, and soon after, separation, we have no doubt. The position of Burmese women who marry Indians has been mentioned to us time and again in this District as a cause of the anti-Indian feeling. In Myanaung in particular we have been struck by the intemperance and stupidity of the views expressed by local Pleaders quite obviously repeating to us like parrots what they have read in certain sections of the Burmese Press. And the questions to which this propaganda is addressed are all the more serious by being susceptible of this abuse. The disclosure of Maung Shwe Hpi's book was used by such persons as these as an excuse rather than as a reason to create disturbance, though, in saying that, we do not mean to imply that a sincere Buddhist was not offended by the book. There is no doubt that the alarm felt at rumours from Rangoon of the destruction of the Sule Pagoda, attacks on the Shwedagon Pagoda and the assaulting of *pongys* added fuel to the flames. And there is not the least doubt that the intemperance of the Burmese Press both before the riots and after had here, too, the effect of working up an artificial anti-Indian and anti-Government feeling and of sowing the seeds of disorder. In this District, as elsewhere, these were the reasons for the disturbances and they confirm the impression, which we have gained throughout, that Maung Shwe Hpi's book was in reality no more than the occasion, assiduously exploited to cause the outbreak. The real causes themselves were far different.

Minor police charges at Myanaung.

We have considered the two major matters relating to police action at Myanaung and in each case we have come to the conclusion, after careful inquiry, that the police action was in every way justified and

well tempered. We mention one or two other slight matters which have been brought to our attention and which we think might be investigated by the police themselves, though we can express no opinion ourselves as to whether they are true or not. We shall, however, make our comment upon charges of this kind as a whole later on.

(1) The Circle Inspector of Police and three or four policemen are charged with looking on when the looting took place at Esa Bhai's house at Myanaung on the 1st of August and with making no attempt to prevent it ⁽¹⁾.

(2) A number of constables are charged on the 1st of August after shops at Myanaung had been looted with watching the looters who had arrived to remove the loot by boats from the foreshore ⁽²⁾.

(3) The Deputy Superintendent of Police, the Inspector of Police and a number of constables are charged with watching an assault at Myanaung upon a shop between 9 and 10 a.m. on the 1st of August and taking no steps to prevent it ⁽³⁾.

(4) The Circle Inspector of Police and two or three policemen are charged with taking no steps to prevent the looting of a shop at Myanaung on the same day and about the same time ⁽⁴⁾.

(5) The Deputy Superintendent of Police and a number of constables are charged with looking on at the looting of a shop on the 2nd of August at Myanaung between 10 and 11 a.m. and a number of constables are charged with watching the looting of a shop at 8 a.m. on the 7th of September ⁽⁵⁾.

3. PROME DISTRICT.

Prome Town.

Little of importance occurred in Prome Town itself during the riots. The news, as in so many other Districts, was first received by the Deputy Commissioner on the wireless from Darenty. Thereupon police patrols were sent round on the night of the 26th of July. On the 27th of July a meeting of the elders of both communities was called by the Deputy Commissioner and they were asked to assist in promoting and maintaining peace. Anxiety continued on the 28th and 29th, by reason of news and rumours from Rangoon. On the evening of the 29th there was a definite feeling of tension. Isolated assaults took place on Indians, small groups collected together in various quarters and people were seen going about carrying *dahs*, sticks and other weapons. The District Superintendent of Police was out of Prome but the Deputy Commissioner organized police parties to patrol the town and to disarm the people as far as possible.

Prome Town
itself was
fairly quiet.

On the next day, the 30th of July, the bazaar was not open and the Indian-owned shops were closed. The District Superintendent of Police had in the meanwhile returned. He persuaded some of the

(1) Our Myanaung witness No. 41.

(2) Our Myanaung witness No. 42.

(3) Our Myanaung witness No. 43.

(4) Our Myanaung witness No. 4.

(5) Our Myaungmya witnesses Nos. 19 and 52.

shop-keepers to open. Meetings of the elders of both communities were held in the Office of the Deputy Commissioner and arrangements were made for maintaining peace. That evening information was received of intended incursions by *pongyis* which had to be guarded against. This was done by patrolling the town vigorously and using methods of persuasion and of contradiction of false rumours and by the efforts of the elders to pacify the people. A Sikh lad was assaulted in a liquor shop.

31st July.
The incidents
in the bazaar.

On the 31st of July there were two incidents which might have led to wide-spread disturbances but fortunately this was prevented. A *beinsa* ran down the High Street shouting. He was followed by a bus containing a handful of Burman youths shouting slogans such as "Do-ba-ma". The bus stopped in front of an Indian shop and some of the young men rushed into the shop and damaged some furniture. They then got into the bus again and continued on their way. The District Superintendent of Police happened to be at hand. He chased the bus and managed to arrest nine men equipped with *dahs* and sticks. The second incident, which may have been the result of the commotion caused in the bazaar by the *beinsa* and the bus, then occurred. Two or three hundred persons from the Nawin Quarter, which is said to be a dangerous quarter, came towards the bazaar. They were met by the Deputy Commissioner and other officers who happened to come along. The crowd was stopped and turned back. Three of these men were arrested. One or two minor assaults were made on individuals and small shops. Although there was considerable apprehension, the rumours died down and after the 31st of July there were no further incidents in Promé Town.

Food poison-
ing rumours.

After the actual incidents had ceased there were a crop of rumours in Promé of alleged poisoning of Burmese by Indians. On the 13th of August 1938 one Ma Chit, an old woman of Ywathit Quarter, died of heart-failure. It was alleged, and appears to have been firmly believed amongst the Burmese, that she had died as a result of eating salt purchased from an Indian shopkeeper. A considerable amount of excitement was caused by this rumour. The officers proceeded to the scene and made enquiries from which they were satisfied that there was no justification for the rumour. Samples of the salt have been analysed by the Chemical Examiner, who found no trace of poison. Neither did the post-mortem show any symptoms of poisoning. The next day two Burmese women and two children complained of giddiness after having eaten roasted peas—*palani*—purchased from an Indian. This too appears to have been pure imagination and none of them were the worse for the alleged poisoning. Similar fears existed at Shwedaung where the Burmese public would not buy milk from Indian milkmen. On the 15th of August a boy complained of giddiness and burning symptoms which were said to have been caused by eating *parala* sold by an Indian. This proved to be quite untrue as it transpired that what he had eaten was not *parala* but Chinese chow-chow. The boy is quite well. We have mentioned these so-called "food poisoning" episodes both because they are a phenomenon which we have met with in more than one place and because they afford an illustration of the state of nervous excitement which prevailed and of the prejudice from which the Indians were suffering. It is almost incredible to what an

Suspicion
and fear of
the Indians.

extent the Indian population was regarded with distrust and suspicion by ill-informed and uneducated Burmans. It is symptomatic of the same frame of mind which has made propaganda against the Indians so easy in Burma and which has been exploited in recent years. It is this frame of mind which makes it the more important that all misunderstanding as to the exact place of both the Burma born and the immigrant Indian into Burma should be clearly defined, his exact place in the social, economic and professional life of the country explained and, if adjustments are necessary, that they should be made.

Thegon Township.

We propose to deal with Paungde more fully later. The rest of the District was not very greatly affected, though there were incidents in other parts. At Sinmizwe the *Thakin* element is said to be strong and on the 29th a group of young *Thakins* went round the neighbouring villages shouting slogans and generally inciting people by announcing that at Rangoon *pongyis* and Burmans were being assaulted and *pongyi kyaungs* and pagodas attacked. The situation, however, was dealt with by the Township Officer of Thegon, who organized a band of volunteers to patrol the town and to prevent trouble. That night the Sinmizwe Mosque was attacked by a gang of twenty to twenty five persons, who broke into the Moulvi's quarters. The Moulvi fortunately escaped and another man, who was with him, hid himself. Some property was damaged. Later in the evening a Hindu railway porter was found with serious *dah* wounds which resulted in his death while being conveyed to the Prome Hospital. No arrests could be made as no assailants could be traced. Since then there have been no incidents in this village. Sinmizwe.

At Thegon itself, which is the headquarters of the township, some Burmans attacked small Indian shops and looted and destroyed some property. One person was arrested. An alarming feature here was the attempt by large bodies of villagers who marched into Thegon. The Township Officer and the police turned them back. On the 4th of August a very large mob was turned back by the military police. There is no doubt that if this had not been done the result might have been serious. At Padigon village two large gangs gathered. They were met and turned back by the elders and the police officers of Thegon. Thegon. Padigon Village.

This town was disturbed by news from Rangoon and Prome but there were no incidents until the 4th of August. On that day some huts belonging to Indian Muslims were burnt down by a party of Burmans. On the 7th of August a Hindu cowherd was assaulted and a small party set fire to a timber stall belonging to an Indian Muslim. On the 9th of August a Muslim school within the Mosque compound was set on fire, causing some damage. An attempt was also made to set fire to the Mosque but it was not successful. In respect of the incidents in this town allegations had been made before us that the troubles began within half an hour of a meeting called by the Township Officer to bring about reconciliation between the two communities. At the meeting, the Muslims apologized for the statements in Maung Shwe Shwedaung.

Hpi's book and the Burmese elders insisted that Hashim Cassim Patail ⁽¹⁾ should not be sheltered at Shwedaung and, if he was already there as it was rumoured, he should be sent away. It is alleged that the police did not assist although they were informed of the intention of a crowd of Burmans to assault an Indian shop. On the other hand, it has been suggested to us by some Burmese witnesses that the Indians at Shwedaung were panic-stricken and that the incidents in this town were the work of the Indians themselves in order that they should receive protection. It is pointed out that the damage done was slight. This suggestion ⁽²⁾ appears to us to be ill-founded as it is highly improbable that Indians would go about the town setting fire to their own properties.

Paukkaung. Trouble was threatened at Paukkaung by the activity of the *Thakin* party which proposed to hold a mass meeting but the Subdivisional Magistrate prohibited the meeting under section 144 of the Code of Criminal Procedure.

Hmattaing. At Hmattaing Village near Paungde a large crowd collected from the neighbouring villages on receiving news of the happenings in Paungde. On the 1st of August a platoon of Burma Rifles arrived and as the crowd was menacing twelve rounds of ball were fired without casualties. This had the effect of dispersing the crowd. The Indians from Hmattaing were evacuated to Paungde. There is evidence that after the Indians had left a large portion of their property left behind was looted. Their shops which had been closed were broken into and damaged. There was some looting at Hinthagon Village also.

Loyal co-operation of Burmese elders with the authorities to maintain peace.

It was a pleasing feature of the disturbance in Prome Town and in the outlying villages that the elders of the Burmese community did do a great deal to maintain peace and good relations. They heartily co-operated with the officials in meeting a potentially dangerous situation and we feel that it was in a large measure due to their goodwill that things did not take a very serious turn at Prome. We were favourably impressed with the elders of Prome Town who gave evidence before us and we desire to express a view that this attitude of the elders of the major community might well be emulated elsewhere ⁽³⁾. These gentlemen did their duty in spite of receiving anonymous letters offensive in tone charging them with cowardice and abusing them for having prevented riots. The elders have expressed the view that the troubles in Prome were caused by hot-headed young men and that they themselves did not take a serious view of these anonymous letters.

Paungde.

Paungde is the centre of an important subdivision of the Prome District situated to the south-east of Prome within a mile or two of

⁽¹⁾ Hashim Cassim Patail in fact died long ago.

⁽²⁾ We have met with similar suggestions in several places and, no doubt, they are believed to be true by many credulous Burmans. None of them have any foundation of truth.

⁽³⁾ In Henzada also the influence of the elders was very marked (see page 78).

the boundary of the Tharrawaddy District⁽¹⁾. The town of Paungde, as we are told, has a population of some 13,000 people, of whom about 1,500 are Indians.

On the 29th of July there was a meeting in Paungde organized by what is known as the "Old Students' Union" which we understand is a body of young men who are ex-students of the Government High School at Paungde. This association takes an interest in politics. They fixed a Committee meeting to discuss the holding of a mass meeting and procession as a protest against Maung Shwe Hpi's book. In spite of the Subdivisional Officer asking them not to hold the Committee meeting they held it. But the projected mass meeting was, as we understand, prohibited by the Subdivisional Officer under section 144 of the Criminal Procedure Code. On the 31st of July there was a good deal of excitement in the place which was full of groups of town folk discussing the news in Rangoon and the possibility of looting the Paungde bazaar. It has to be appreciated that Paungde is very accessible to news from Rangoon as it lies on the main line from Rangoon to Prome and also to rumours conveyed to it by lorry drivers from Rangoon. It is also next door to the Tharrawaddy District where deliberate attempts were being made to organize disorder. At about 1 p.m. an Indian was assaulted by a considerable crowd of Burmans in the Muslim quarter of the town but the police failed to detect the culprits. There was a gathering of fourteen or fifteen men south-east of the bazaar armed with sticks. One man was arrested. In connection with this arrest it is necessary to record that the arrested man was immediately released by the Subdivisional Officer. We are utterly unable to understand why. The Subdivisional Officer U Hlaing, has been unable to give us any better explanation of his ordering the release of this man than to say that it was "to save further trouble." We do not think that this man should have been released.

On the night of the 31st the authorities of the town seem to have held an informal conference outside a tea-shop near the bazaar corner. We are told that the conference consisted of the Subdivisional Officer, U Hlaing, the Additional Special Power Magistrate, U Ba Maw, the Township Judge U Po Shwe, the Township Officer, U Baw, the Circle Inspector of Police, U Ye Lun, the Police Station Officer, Maung Ba E, and also the Subdivisional Police Officer, U Ba U. To take the words of the Subdivisional Police Officer himself they decided that "*it will not be safe for the officials to go about in small bodies but all of us—the magistrates and the police—should go about altogether*". We are satisfied from what happened on the following day that the civil and police officers of Paungde were unduly apprehensive of their own safety and that the resolution we have printed in italics above supplies the key-note to the attitude of the officials at Paungde as a whole. They decided, therefore, to appoint a rendezvous in the town at which the police officers and magistrates should assemble in case trouble occurred and they determined that on the following day some fourteen policemen in a bus under a Sub-Inspector of Police should be detailed for duty to

⁽¹⁾ The disturbance at Paungde coincided with the serious disturbances in the Tharrawaddy District, which were unquestionably deliberate and organized (see the Tharrawaddy District pages 188 to 207 below). We have no doubt that the same influences which were at work in the Tharrawaddy District were at work at Paungde also.

stand by at the police station to act as what they called "a striking force." It was arranged that another bus load of police should act as "a patrolling force." These arrangements, though they may possibly not have been the best that could be made, do nevertheless indicate some sensible attempt to organise the forces of the town and we do not wish capriciously to criticise them. It is satisfactory that some attempt was made to meet the situation. It would perhaps have been better if the so-called "striking force" had been kept in readiness in the centre of the town rather than at the police station, where, as events afterwards proved, it was much too far away, to deal with the disturbance on the 1st of August.

1st August.
General
disturbance
at Paungde
from the
early morn-
ing onwards.

On the 1st of August from the early morning onwards disturbances broke out on a considerable scale. Shortly after 7 a.m. seven Indians in a house on Hmattaing Road within two furlongs of the very centre of the town were attacked by a gang of Burmans and six of them grievously and one simply wounded. It was only by a miracle that none of these men were killed. At about 9 o'clock a different shop was attacked on Pagoda Road, also within two furlongs of the bazaar corner⁽¹⁾. Then at about the same time a series of attacks started on Mosque in 13th Street which culminated at some time between 9 and 11 a.m. in the complete destruction of all it contained and its looting, even to the extent of breaking open the iron safe with axes and the theft of a considerable sum of money. At about 9-30 a.m. a large general store and a number of stalls were looted at a spot which is north of the railway line and scarcely a furlong from the bazaar corner. This store was Cassim's store. Immediately after that had happened, a large crowd of between two and five hundred—one witness said it was about a thousand—attacked and looted a large hardware shop belonging to a Muslim, Suleman Atcha, actually on the bazaar corner. When eventually the police arrived to put a stop to this they were not equal to preventing the crowd returning within half an hour to complete the looting of it and the looting of half a dozen neighbouring Indian shops. These were the main instances of looting during the morning and between 2 and 3 p.m. Another Indian stall was looted in the Hinthagon quarter of the town some one and a half miles from the bazaar. The significant matter to our minds to be observed in all this looting and destruction which took place in Paungde in the morning is that it all took place, on a very considerable scale, within a very small area and over a considerable space of time. We visited the scene and, although the town of Paungde is large, nevertheless its commercial quarter in which the Muslims carry on business is singularly concentrated. The whole of the danger zone to be covered did not extend beyond an area within a radius of two furlongs from the bazaar corner and most of it was much closer than that.

All the looting took place within a very small area over a considerable space of time.

These instances have already been the subject of an inquiry on the spot by the Deputy Commissioner⁽²⁾ and of a formal investigation by the District Superintendent of Police⁽³⁾ with a view to ascertaining whether the civil and police officers respectively charged with the responsibility of maintaining order in the town did their duty or not.

(1) The Bazaar corner is in the centre of the Town.

(2) See his General Department letter No. 722—2P.-10, dated the 29th September 1938,

(3) See Confidential Department letter No. 454—D.-70, dated the 21st September 1938
—Camp Paungde.

The Deputy Commissioner has found a number of matters upon which, in his opinion, the activities of the civil and police officers are open to criticism. He has found that the carrying of arms should have been prohibited under Section 10A of the Towns Act. In his opinion, the Subdivisional Officer should not have released the man who was arrested on the 31st of July to whom we have already referred. In his view there was insufficient patrolling done on the 31st of July. He thinks that the police unduly exhausted themselves in ineffective patrolling until about 3 a.m. of the early morning of the 1st of August. He takes the view that the concentration of the police in one body "and the entire neglect to patrol the town on the morning of the 1st" was a fatal mistake. The large crowds in the bazaar on the morning of the 1st were not, he considers, efficiently dealt with and he thinks that "the power of firing was not well enough realised by the rank and file". Finally, he expresses the opinion that "the senior police and civil officers did not take the situation in hand sufficiently". The District Superintendent of Police's findings are to the effect that the Subdivisional Officer and the Subdivisional Police Officer were negligent in returning home to their breakfast on the morning of the 1st in view of the conditions in the town. He finds that they and the other authorities were out of touch with the situation and that they were to blame for their professed ignorance of what was going on. And, when they did learn of the disturbance at Cassim's shop and the concentration on Suleman's shop at the bazaar corner, there was he thinks undue delay in getting to the scene and taking charge of the situation. The District Superintendent comes to the conclusion in general that—

Results of the inquiry by the Deputy Commissioner.

The results of the inquiry by the District Superintendent of Police.

"steps taken to deal with the situation at Paungde on the 1st August 1938 were very unsatisfactory. Although there were officers knocking about and a bus with police was supposed to be patrolling the town, they failed to know when the Mosque was being raided; they failed to know in time when Cassim's and other shops were looted; they failed to arrest anybody at the 1st and 2nd looting at the bazaar corner and the bus which was left at the police station with a striking force failed to arrive till all was over at the first looting. Finally, the looting at Pagoda Road corner" (that is bazaar corner) "started while the patrolling bus was within sight under Sub-Inspector of Police Po Saing and yet, he says, he knew nothing till the Subdivisional Police officer and Subdivisional Officer arrived and took them in that direction. They could easily have been there within a few minutes of the start. Its not so much the arrangements were at fault for they could not have done very much better than they did in having another bus full of armed police patrolling, in having themselves (the officers I mean) patrol the town in their own cars, but it seems to me that the manner in which these arrangements were executed left much to be desired and I cannot help remarking that there are suspicions that they did not appear to be too anxious to meet the crowd face to face, not because of any ulterior motives but seemingly for their own safety."

We have conducted our own inquiry.

We, ourselves, having had the benefit of reading the reports to which we have referred, visited the place and heard our own evidence, have endeavoured to form our own conclusions. In the main, they coincide with the conclusions independently arrived at by the Deputy Commissioner and the District Superintendent of Police and we desire to say that we too concur in the view expressed by the District Superintendent of Police that the fault did not in this instance lie, as at Wakema⁽¹⁾, in a complete failure to provide for the situation at all, but in the complete failure to carry out what, if they were not the best, were at any rate reasonable precautions to have taken. The strategy, decided upon on the 31st of July, of concentrating the police and the patrolling force and the striking force may not have been ideal in the circumstances. But it was, at least, an attempt to form a plan to meet the situation and it would be unfair of us to criticise it in detail. We are, however, impressed, as a result of the evidence we have taken, by two circumstances; first, that the senior civil and police officers on the spot appear to have exaggerated the risks they themselves ran in moving about the town and, secondly, as we have before pointed out, in substance and in fact the danger zone was extremely small and easy to handle.

Ignorance by the Subdivisional Officer and the Sub-divisional Police Officer of what was going on.

It is, we think, an established fact that both of the two senior officials, the Subdivisional Officer and the Subdivisional Police Officer, were culpably ignorant of the outbreaks of serious rioting at the Mosque, at Cassim's shop or at Suleman's shop, all of them within a comparatively short distance of each other. Between them, these events covered a considerable time, amounting almost to two hours and, necessarily, they were not accomplished without a good deal of noise and disturbance. It is incomprehensible to us that, if the Subdivisional Officer, the Subdivisional Police Officer, the Police Station Officer, the Circle Inspector of Police and the patrolling party in the bus under the Sub-Inspector had really been doing what they would have us believe they did—that is to say patrol the town vigorously—these things could have occurred without their knowledge.

Departure of these two officers for breakfast at the critical time.

While it is only natural that the Subdivisional Officer and the Subdivisional Police Officer should need their breakfast like other folk, we think that it was singularly unfortunate that they could not resist their appetites at 10-30 on this morning when things were very critical. And we simply do not believe the Subdivisional Officer when he tells us that, in his opinion, everything was at the time "normal". Even if we are not to blame them for leaving their posts to have their breakfasts, we think they might at least have seen to it that, while they were away, an effective watch was kept upon the strategic points of the town. We are even disposed to think that it would not have been unreasonable for them to have made arrangements to take their breakfasts at the police station on this morning.

Where did the patrolling bus get to?

A great deal of mystery surrounds the movements of the patrolling bus on this morning. We have been given to understand in evidence that it spent the morning patrolling the town. It was formerly contended that the bus for a considerable part of the morning remained

(1) See page 45 et seq.

stationary at the Court House. But before us it has been insisted that it moved about the town. The former alternative is, we are convinced, the one which is the true one, and the altered version has only been put forward before us in view of the strictures made by the District Superintendent of Police. Had this patrol been on the alert and moved about the small area it had to cover, it is quite impossible that it should not have come across the crowds at Cassim's shop and at the bazaar corner in time either to prevent the looting altogether or at least to stop it as soon as it had begun. The fact is that the looting at Cassim's shop actually started about ten minutes after the Subdivisional Police Officer and the Subdivisional Officer had gone to their breakfast. It was over before the police bus arrived and it was not until later still that the Subdivisional Police Officer and the Subdivisional Officer got to the scene. This point is almost in sight—and certainly within earshot—of the bazaar corner where Suleman Atcha's shop is situated. And yet the looting at Suleman Atcha's shop did not start until after the police had arrived at Cassim's shop and went on for at least half an hour before the police intervened. The whole thing was deplorable and the only reasonable conclusion at which we can arrive is that no attempt was being made to meet the outbreak in the town, to get at and disperse the crowds of rioters and stop the disorder. On the contrary, we are satisfied that the officers on the spot were deliberately avoiding meeting the crowds face to face.

There were two occasions later on this day upon which the police had to resort to their firearms. The first occasion was when, having decided to advance from Cassim's shop to Suleman's shop on Pagoda Road, a decision was eventually taken to disperse the crowd looting the latter shop. It is fair to the Subdivisional Officer and the Subdivisional Police Officer that we should say that ultimately they did take the police force to Suleman's shop and that then they did deal with the situation with some show of determination. The police advanced to within what from the evidence we judge to have been a distance of fifty yards of the crowd and then fired on it nine rounds of buck-shot from their muskets, the Subdivisional Officer himself firing one round from a gun. But even this gives rise to the same phenomenon as we met with at Yandoon⁽¹⁾, namely, the lack of effect of the firing. As far as can be ascertained, only two persons were touched by the shot and even they were not discovered till a considerable time later. The Subdivisional Officer and Subdivisional Police Officer admit that instructions were given to "fire low." That is right and in accordance with the Police Manual. Others say that the police fired high. In the nature of things there can be no direct evidence which would enable us to say there was any deliberate intention on the part of the police not to fire at the mob itself. But we cannot altogether exclude from our minds the possibility that the police both here and at Yandoon may have been reluctant to use their weapons with effect. It is possible on the other hand that the ineffectiveness of the firing may have been due to the instructions given to fire low. While we ourselves should be the first to deplore unnecessary injury to civilians even while they are engaged in rioting, we cannot help feeling that, when a situation has reached the point of firing becoming necessary at all, it must be made effective, lest the resolution and loyalty of the police should become a matter of

Two occasions on which firing had to be resorted to.

The firing at Suleman's shop.

Ineffective firing.

(1) See page 73.

The firing at
the crowd in
the Hinthagon
Quarter.

doubt. We point out, therefore, that this incident, taken in conjunction with the similar incident which took place at Yandoon, causes us some anxiety. As for the firing itself on the mob at Suleman's shop there can be no doubt that it was legally justified and that it was far from excessive. Further firing took place at three o'clock in the afternoon in which five rounds of ball, seven rounds of buck-shot and six rounds of revolver ammunition were fired at the crowd carrying out the looting at the Hinthagon quarter. The two men whom we have already mentioned as having been afterwards discovered with traces of shot in them, may have been the products of either of these two occasions of firing. They are the only persons known to have been hit on either occasion, and, even then, not in such a way as to have been much inconvenienced. On this occasion five rounds of ball ammunition were fired and this too may point to a deliberate intention on the part of the police-officers not to hit those at whom they were supposed to be firing.

The return of
the crowd
after looting
Suleman
Atcha's shop
for the first
time.

The effect of the firing of the nine rounds of buck-shot at the crowd looting Suleman Atcha's shop was to disperse it. The police then, according to the story which has been presented to us, retired to the shelter of a neighbouring tea shop and remained there and watched the crowd running. About half an hour later the crowd returned to Suleman Atcha's shop and completed the work of destruction which it had already begun. This cannot be reconciled with a view that the police did their duty. This mob was smaller than the mob which had originally attacked the shop. We do not think that there can be any excuse for the police having allowed this second outbreak of looting at the same place where, three-quarters of an hour earlier, the original attack had taken place.

Immobility
of the strik-
ing force.

A singular circumstance about the whole affair is that throughout the "striking force" remained stationary at the police station. We utterly fail to understand why this "striking force" was not called into action. It is quite evident that the situation on the morning of the 1st of August was one which required the utmost energy by all available officers. While we have, in fairness, not insisted upon criticising the strategic wisdom of posting a "striking force" at the police station, we cannot refrain from commenting on the fact that, having been so posted, no attempt was ever made to use it.

We regret to have to express the view that there was a substantial failure of duty by the Subdivisional Officer, the Subdivisional Police Officer and the other subordinate police officers at Paungde on the 1st of August in that they made no honest attempt during the morning to meet the crowds which were destroying and looting the Mosque and the Muslim shops.

Causes.

General
causes.

At Paungde the general causes of the disturbance did not differ substantially from those which we have met with elsewhere. Undoubtedly Shwe Hpi's book, here as elsewhere, focussed the animosity of the Burmese population against the Indians in general and against the Muslims in particular. Again, we find the sinister influence

of the Burmese newspapers, of the pictures in the *New Light of Burma* and of the accounts in those papers and of the Burmese Press in general which gave exaggerated or false news of the events in Rangoon. There was, moreover, in abundance, the same kind of false rumour of attacks in Rangoon on the Sule Pagoda and the Shwedagon Pagoda and upon *pongyis*, as was to be found elsewhere.

But there were at Paungde certain rather more local causes which may possibly have affected the situation. We have mentioned Suleman Atcha whose shop was looted. He is apparently an influential and rich inhabitant of the town who owns, not only the shop in question, but also paddy lands and a paddy mill. He is, moreover, exceedingly unpopular. According to the Burmese version we received, some two and a half years ago he made some observation in a tea shop which was thought to be insulting to the Burmese. There has been trouble within the last year in respect of a proposal to extend the municipal boundaries so as to embrace his rice mill and thereby to expose it to increased rates and taxes for the benefit of the Municipality. This proposal is said to have been defeated by Mr. Suleman Atcha by certain manoeuvres in his capacity as a member of the Municipality. Finally, he seems recently to have built a Mosque and Madrasa near the police station in the face of considerable opposition from the townsfolk. Whether these causes are exaggerated or not, the fact remains that Mr. Suleman Atcha is not, as we understand, popular in Paungde. We are prepared to accept that. The view has been presented to us that Suleman Atcha's shop and those of his friends and supporters were made the particular object of attack by Burmans on this occasion and we are told even by Burmese witnesses that in the case of the shops of other Mohamedans special steps were taken to protect them. While these circumstances would not in any case afford any excuse for the rioting and looting that took place, they may afford an explanation of why the particular shops in question were looted while others were not. They afford, however, no explanation for the cases of assault on the unfortunate seven or eight Indians on Hmattaing Road at eight o'clock in the morning. We regard this merely as a possible explanation of the direction which the rioting took and in no way as explaining the feeling which gave rise to the rioting itself. We remain satisfied that the real cause in Paungde was the pent-up anti-Indian feeling inflamed by political and press propaganda and released by the discovery of Maung Shwe Hpi's book.

Certain local causes.

Complaints.

We have received a few particular complaints at Paungde against the police and others. The only important one we have received is the charge against certain police officers of receiving money as the price of protecting particular persons' property. We are satisfied that the particular instance given to us of this is untrue and it never should have been made. The remaining charges made against the police involve, in effect, their indifference to the rioting and looting which took place between 10 o'clock and noon on the 1st of August. We have already dealt with this. It was, in the main, true. Whether "indifference" is exactly the right word to use, we are not sure. But the fact is that they did little or nothing to try to stop it.

The withdrawal of the Paungde Riot Charges.

There is one further specific matter to which we feel it necessary to refer before leaving Paungde. It is not a pleasant matter. But we do not feel it consistent with our duty to omit a reference to it.

We give in Appendix VII a statement of the riot cases in which arrests were made, showing how many were released or otherwise dealt with without trial.

Ninety-five cases were sent up for trial in connection with the disturbances at Prome, Paungde and Thegon. Most of those involved were in custody for periods varying between one month and three months. The Deputy Commissioner of Prome, in his evidence before us referred to the letters ⁽¹⁾ issued by the Home Department of the Government of Burma drawing attention to the advisability of withdrawing cases in which the evidence was of a trivial nature or insufficient to ensure conviction.

The Deputy Commissioner has told us that even before these letters were received he himself, as District Magistrate, was considering a withdrawal of cases on the ground that the long period for which the men had already been in custody had been a sufficient punishment, that they would not have got longer sentences had they been tried and that a great deal of feeling existed in the District over the prosecutions, while pressure was being brought upon him by the elders of Paungde to release them. In our opinion, there can have been no objection to these reasons so far as they were judicially arrived at.

But the matter is somewhat complicated by the direct intervention of one of the Honourable Ministers, who, we understand, represents the constituency. The Minister in question visited the Paungde Jail. He had intimated his desire to do this to the Deputy Commissioner who was, however, unable to accompany him as he was unwell. We are told that the Minister visited the Paungde Jail and spoke to the prisoners under trial for rioting offences. We understand that they were promised his good offices in securing legal assistance and his influence in procuring their release in common with other "riot" prisoners. We are told, moreover, that a suggestion was made to the Deputy Commissioner by the Minister that arrests had been made upon a wholesale basis.

We think it possible that these events may have caused some little embarrassment to the Deputy Commissioner in his capacity of District Magistrate, a dual capacity which is not, we think, in any case, free from difficulty. We have, and accept, the assurance of the District Magistrate that he exercised his discretion in ordering the withdrawals judicially and not by reason of the interest taken in the matter by the Minister. But we feel, nevertheless, that an intervention at this moment by an individual and high executive officer of State in a matter which according to law rested within the judicial discretion of the District Magistrate was apt to give rise, at the least, to misunderstandings and placed the former in a position of embarrassment.

⁽¹⁾ We have already referred to these letters in connection with the Myaungmya District. See page 64.

We feel, too, that the ceremony which accompanied the releases was calculated to convey an unfortunate and disturbing inference. A miniature durbar was held in an open space at Paungde, attended by the Minister in question, the District Magistrate, the subordinate Magistrates, other officials and the prominent elders of the town. The prisoners were brought up, they apologized and undertook to behave themselves in the future. The Public Prosecutor then publicly withdrew the charges against them. The Minister, the District Magistrate and U Po Yin, an elder, then publicly admonished them for their foolish conduct and they were released. Afterwards they were taken in procession with the Minister to a *kyaung* where they were entertained. We feel that the association of the Minister and the District Magistrate in such a ceremony upon such an occasion was most unfortunate and was calculated to obscure the principles upon which the District Magistrate had exercised the discretion which the law vests in him. We venture to suggest that it is indiscreet for an executive Minister, whose position greatly differs from that of an ordinary member of the House of Representatives, to court the comment—in this case, we do not doubt, unjustified—that he has, however remotely, influenced the discretion of a judicial officer. And we think that it would have been desirable had the District Magistrate himself, and the other Magistrates of the place, avoided the judicial pantomime which accompanied the releases. We see much that is objectionable in this function so far as the presence at it of Magistrates is concerned, for we think that the impression cannot fail to have been given by it that the released men were receiving some form of exceptional favour at the hands of the officers of the law rather than that they were the objects of the exercise of the District Magistrate's discretion in the ordinary course of justice under section 494 of the Criminal Procedure Code.

CHAPTER XIII.

The Magwe Division.

(Taungdwingyi, Yenangyaung and Pakokku.)

Visit to the
Magwe and
Pakokku
Districts.

We spent from the 7th till the 20th December in the Magwe Division. Our attention has been concentrated upon three places, Taungdwingyi, Yenangyaung and Pakokku. We cannot explain the reasons for this better than by quoting an extract from the report of the Commissioner of the Magwe Division to the Home Department of the Government of Burma⁽¹⁾. He says :—

Pakokku,
Yenan-
gyaung and
Taungdwin-
gyi.

“ It will be seen from the reports that the main disturbances took place in the Pakokku Town in the Pakokku District and at Yenangyaung and Taungdwingyi in the Magwe District, and it was only at Pakokku, Yenangyaung and Taungdwingyi that the police were called upon to open fire on the rioters.”

Minbu Dis-
trict.

“ In the Minbu District apart from one or two small incidents there was no rioting or wholesale looting.”

Thayetmyo
District.

“ In the Thayetmyo District also, owing to the co-operation of the elders and vigilance of the civil officers and the police, the District was free from communal disturbances.”

Magwe
District.

“ In the Magwe District, with the exception of the outbreak in Taungdwingyi where the rioting was allowed at an early stage to get out of hand by the Civil Subdivisional Officer the rioting was on the whole put down with a firm hand and dealt with satisfactorily by the civil officers and the police.”

We have, therefore, been able to devote our attention to these three centres of disorder at which some of the most serious events of the whole disturbances occurred and from which instructive lessons are to be learnt.

Taungdwingyi.

Taungdwin-
gyi.

Taungdwingyi is the headquarters of a Subdivision and has some nine thousand inhabitants. At the end of July, 1938, its population included about three hundred Indian residents. At the date of our visit on the 9th of December 1938, only fifty remained ⁽²⁾. The others had either returned to India or gone elsewhere.

⁽¹⁾ Report No. 378-24C38, dated the 27th September 1938 from Lieut.-Col. V. Beadon, M.C., I.A., Commissioner, Magwe Division, Magwe, to the Secretary to the Government of Burma, Home Department.

⁽²⁾ We have not consistently in our report given these reductions in the Indian population in the towns and villages of Burma, because they lie rather outside our terms of reference. But in some cases we mention them. In most towns and villages, which before the riots possessed an Indian trading population, it has been reduced and in many places to a striking extent. This is an example.

On the 30th of July attempts were made to hold the usual meetings in the local Pagodas to protest against Maung Shwe Hpi's book. These meetings were stopped by the Subdivisional Officer under Section 144 of the Criminal Procedure Code under instructions from the Commissioner of the Magwe Division. In the state of tension throughout the country which then existed, we think that it was perfectly right that, as happened here and elsewhere, the risks involved in the holding of meetings of this kind should have been avoided by the authorities. But the view has been presented to us freely by the Burmese community at Taungdwingyi that, had this meetings, which are characterized as "peace meetings," been allowed to be held, all subsequent trouble would have been avoided. In the case of Taungdwingyi, we venture to doubt this. What subsequently happened shows plainly that there was the most dangerous material at Taungdwingyi which needed very little encouragement to set it on fire. The banning of the meetings was quite right. Even as it was, on the same evening a disappointed crowd returning from one of the Pagodas attacked a number of Muslim shops with stones, which is in itself an indication of the wisdom of those who prevented the meetings being held.

Attempt to hold meetings at Taungdwingyi.

On the 31st of July the town was peaceful. The 1st of August was the day on which matters became critical in the town. But, nevertheless, on the evening of the 31st the Subdivisional Officer, whose name is U Tun Hmi, had reported on the telephone to the Deputy Commissioner that the situation was quiet and that there was no necessity to issue an order under Section 144 of the Criminal Procedure Code to stop the congregation of more than five persons together. That this was a serious failure to appreciate the real state of the place is obvious from what happened on the next day. On the morning of the 1st of August the Subdivisional Police Officer of Taungdwingyi himself applied to the Subdivisional Officer in his capacity of Subdivisional Magistrate for an order to be issued under Section 144. But the Subdivisional Magistrate still failed to recognize the necessity for such an order and proceeded with his routine duties.

Critical day—1st August.

Failure to issue an order under Section 144 of the Criminal Procedure Code.

We have enquired also what (if any) preparations had been made in the town to meet serious trouble should it arise. It should have been obvious to any one, not only from what had happened at Taungdwingyi itself on the 30th but from what was going on in the rest of the country, that the situation was, to say the least of it, precarious. Yet, we have been unable to find that any serious attempt was made either by the Subdivisional Officer or by the Deputy Superintendent of Police to meet any trouble that was liable to arise. Though we have severely commented upon the way things were managed at Paungde⁽¹⁾, yet there was there at least an attempt to foresee and provide for what might happen. The failure there was in carrying out their own arrangements. At Taungdwingyi there was, as far as we can see, no preparation at all. No provision was made for any systematic patrolling of the town nor any attempt made to form a plan of campaign should trouble break out. Things were just left to take their course.

Lack of preparation to meet disturbance.

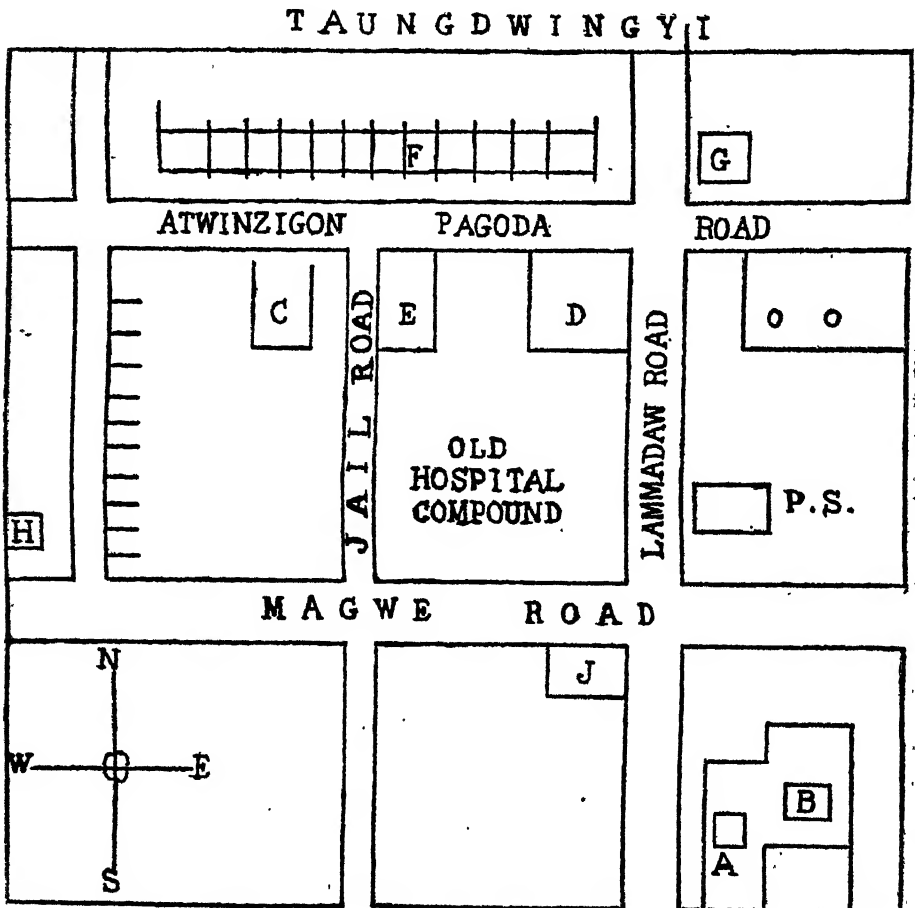
(¹) See page 88 *et seq.*

Forces
available at
Taungdwin-
gyi.

It will, perhaps, be convenient to set out at this stage what the forces available at Taungdwingyi were, because it has a considerable bearing upon the events of the 1st of August. The establishment of the civil police of the place consisted of seven Sub-Inspectors of Police, two station writers, four head constables and thirty-six constables. Of these constables on the morning of the 1st of August seven were employed as Court escorts and eight were on guard duties at the police-stations. But, in addition, nine constables had been brought into the place from outside. The result was that there were actually at Taungdwingyi on that date nine men over and above the establishment.

The begin-
ning of the
trouble at the
Government
High School.

The ball was set rolling by an incident at the Government High School which occurred at eleven o'clock in the morning. In order to enable the reader to follow the events which took place, we give below a little sketch plan of the place showing the principal points of importance.



Point A is the Post Office and B is the Government High School. C is I.T. Mahomed's shop, of which a great deal will be heard. E is the Chinaman's shop opposite to I.T. Mahomed's shop. F is U Tun Hla's shop. G is P.H. Abdul Kaka's shop. H is the Mosque and its adjoining 'barrack'. J is Moosa Kaka's shop. P.S. is, of course, the police station. The sketch map is not to scale and is of our own amateur composition.

The incident at the Government High School itself was of a trifling and rather silly character. Its only importance lies in what it led to. We understand that matters had not, for some time, been very satisfactory at the Government High School at Taungdwingyi and on this morning a few of the boys chose to throw stones at the shop of one, Moosa Kaka, which lies on the road just outside the school compound. There are two versions of what happened. One is that one of the boys let off a powerful chinese cracker. This, and the preceding stoning of the shop, attracted a number of spectators and the police-station near by, in what can only be described as a fit of nerves, loudly sounded the alarm by beat of gong. Why the alarm was given over this trifling incident in this way we do not know. It was a mistake. In any case, if the police had to be summoned to the police-station, it would have been far better to do it less ostentatiously than this. And, in any case, it is a little surprising to find that, in the special circumstances, the police-station should have held no force, however small, ready to proceed at a moment's notice to any threatened point. But, however that may be, the only real effect of the sounding of the gong was to cause quite unnecessary alarm and to attract to the Government High School and the Kaka shop in question a large and excited crowd.

Meanwhile one A. T. Mahomed, who is the uncle of one of the boys at the school and occupies a shop about a furlong away which figures largely in the events of the day, upon hearing the report of the cracker is said to have sallied forth with his double barrelled licensed gun. With this weapon he went to the compound of the Government High School for the purpose, as he puts it, of "protecting his nephew". When he got there he found the police, the crowd and the boys themselves in considerable confusion. The upshot was that both the boy who had let off the cracker and A. T. Mahomed were "arrested." This the police have explained as meaning, in the case of the boy, that he was handed over to his school master and, in the case of A. T. Mahomed, that he was taken to the police-station for his own protection, a procedure from which they both benefitted.

A. T. Mahomed, his gun and the cracker.

The other version of the matter is that A. T. Mahomed arrived in the school compound equipped with his gun before the cracker had gone off and that, when the cracker did go off, it was mistaken by the crowd for the firing by A. T. Mahomed of his gun and caused great excitement and resentment. We are inclined on the evidence to believe that the former version is the right one. But, whatever is the true story, the effect was the same in that its result was to collect a still larger and more excited crowd on the road opposite to Moosa Kaka's shop and near the Government High School. The only satisfactory thing about this episode was that it effectually disposed for the time being of Mr. A. T. Mahomed who spent the rest of the day in "protection" at the Jail.

**Time table
of events.**

We think that at this point the ensuing narrative will be made easier to understand if we anticipate a little and give a rough ⁽¹⁾ time-table of what happened during the rest of the day :—

11 a.m.	The incident at the Government High School including the stoning by boys of Moosa Kaka's shop.
11-30 a.m. till 12 noon.	The advance of the crowd, and the stoning of I. T. ⁽²⁾ Mahomed's house.
11-45 a.m. till 12-30 p.m.	The looting of the Mosque and the burning of the large barracks attached to it.
Noon.	The second attack on, and looting of, Moosa Kaka's shop, near the Government High School.
Noon till 1 p.m.	Menacing crowds remained in the streets.
1. p.m. till 3 p.m.	The second investment of I. T. Mahomed's house by the crowd demanding his surrender to be killed.
2 p.m.	The looting of P. H. Abdulla Kaka's shop and other shops.
2-45 p.m. till 3 p.m.	The evacuation of I. T. Mahomed's shop under arrangements with the crowd made by the Sub-divisional Officer.
3 p.m. till 3-30 p.m.	Attacks by the crowd on the shops of U Tun Hla and H. H. Patail and on other shops on the north-side of Atwinzigon and Pagoda Roads.
3-30 p.m.	The firing on the crowd.

The crowd
go into the
town. First
attack on
I. T. Maho-
med's house.

To revert to the narrative, various parts of the crowd from the Government High School then made their way into the town. The major portion of them seem to have proceeded to the house of A. T. Mahomed's brother, I. T. Mahomed. It is marked C on the sketch plan. Another part went to the Mosque and subsequently destroyed its interior and burnt the barracks adjoining it. Yet another part remained to invest Moosa Kaka's shop a little later. And elsewhere in the town other looting and damage started. Mr. I. T. Mahomed is a Higher Grade Pleader and the owner of a substantial building at the corner of Jail Road and Atwinzigon Pagoda Road. In the upper portion of it he himself lives with his aged and paralysed mother. The lower portion was let to his brother A. T. Mahomed—for the time being safely disposed of in the police-station—as a shop where he dealt, among other things, in cartridges as the agent of Messrs. P. Orr & Sons of Rangoon. This house was the objective of the crowd, because, no doubt, of A. T. Mahomed's activities with his gun at the Government High School and also because the Mahomed brothers seem to be two of the wealthier of the Muslims of the town and had, we think, attracted to themselves no little unpopularity.

The police, of course, saw this crowd on its way to I. T. Mahomed's house, which is only a very short distance from the Government High School and from the police-station. The Deputy Superintendent of Police and the Subdivisional Officer and some fifteen constables.

(1) The times are necessarily approximate.

(2) This man is the brother of A. T. Mahomed.

followed it. The crowd, having reached the house, started to stone it and generally to attack it. But the police seem to have "persuaded" it from doing anything more serious. We should perhaps, at this stage, say that the crowds throughout the day were armed with dahs, sticks, bottles and many other varieties of weapons. When the commotion at I. T. Mahomed's house had died down somewhat, the police returned to the police-station to fetch their arms. It, again, is another point to be commented upon that the police should not even have been armed with their muskets until thus late in the day.

Meanwhile, the Mosque which lies some little way to the west had been completely ransacked and the interior fixtures, fittings, furniture and equipment, including over a hundred Korans, had been completely destroyed. One of the Muslim inmates of the *Zayat* attached to the Mosque was killed. Moreover, the very substantial brick barracks adjoining and belonging to it were completely burnt out and we have seen the skeleton which is all that now remains. This was certainly not the work of five minutes. It must have occupied an hour or more. Yet no attempt of any sort or kind was made to deal with the situation. We are told that the 1st Additional Magistrate with one Sub-Inspector and one or two constables went there. But they were either unwilling or unable to do anything to put a stop to it.

The destruction of the Mosque and its barracks.

At about the same time as the destruction at the Mosque was going on, a crowd—probably taking advantage of the lull at I. T. Mahomed's house—returned to loot and destroy Moosa Kaka's shop near the Government High School. There were one or two police there at the time but, even if they made an attempt, they did not succeed in stopping it. As we shall point out later, the Deputy Superintendent of Police did at this point ask the Subdivisional Officer for leave to shoot, which was refused.

The return of the crowd to loot Moosa Kaka's shop.

At about 1 p.m., or shortly afterwards, the second investment of I. T. Mahomed's house began. We are told, and believe, that the crowd was an extremely large one, reinforced probably by those who could for the moment find no more mischief to do in other parts of the town. A regular assault upon the house began. Fortunately, it was a strong house, having heavy doors well barred with expanding metal barriers. Moreover, the intention of the crowd was openly to kill I. T. Mahomed, whose surrender, for that purpose, they demanded from the Subdivisional Officer and other officials. This phase went on for a long time and we shall return to it presently.

The second attack on I. T. Mahomed's house.

Perhaps we may now relate what the civil authorities and the police were doing. We regret to say that the fact is that they were doing little or nothing. At 12-35 p.m., the Subdivisional Officer sent the following somewhat extraordinary telegram to the Deputy Commissioner at Magwe :—

What the civil and police officers were doing.

"Incendiarism and rioting. Situation uncontrollable. Order solicited."

This telegram found its way to the Commissioner who immediately despatched⁽¹⁾ from Magwe twenty-five mounted infantry under

(1) See page 110 at which we deal fully with the despatch of these men.

the Assistant Commandant, Mr. Hirst, and, in the meanwhile, at about 2 p.m., managed to get into touch with the Subdivisional Officer on the telephone at the Taungdwingyi post office. The Commissioner was told by him that "the whole town is on the side of the rioters and looters". The Commissioner gave directions at once to the Subdivisional Officer that he was to collect all the police available and to attack the rioters and to open fire, if they would not disperse.

I. T. Mahomed's house again.

The proposal made to the crowd by the Subdivisional Officer.

The Subdivisional Officer had with him the 1st Additional Magistrate, the 2nd Additional Magistrate, the Deputy Superintendent of Police and, we think, the Township Officer. He had, too, fourteen or fifteen armed constables. We now return to the scene at I. T. Mahomed's house which we left invested by the crowd. We have taken the evidence at this point with great care and it seems that this is what happened. The Subdivisional Officer and the Deputy Superintendent of Police first "shikoe" the crowd and then made this proposal to them, namely that, if the crowd would grant a breathing space of an hour during which I. T. Mahomed and his old mother and the cartridges might be evacuated, it might thereafter loot and burn the place to its hearts' content. This proposal is astounding. But we cannot do otherwise than believe it, because the evidence leaves no room for doubt. A bus was obtained and I. T. Mahomed and his mother were, in fact, sent off to the jail, escorted by two constables. That was, as nearly as we can judge, at 2.45 p.m. It was an astonishing proceeding. The Subdivisional Officer himself, having learnt from the Commissioner on the telephone at 2 p.m. that the Deputy Commissioner, the District Superintendent of Police and the party of military police were on the way, then took himself off to the police-station to await their arrival, leaving the 3rd Additional Magistrate, U Kyi, in charge of the operations at I. T. Mahomed's house. We have been well impressed by this officer and shall say something more of him before we conclude this portion of our report.

The determination of the 3rd Additional Magistrate to put a stop to it.

As soon as the Subdivisional Officer had gone off, the crowd again started looting—this time on the opposite, or north, side of the street. This was at about 3 p.m. They attacked the adjoining shops of U Tun Hla⁽¹⁾ and H. H. Patail and a number of other shops in the same row. They actually got inside and after a time a number of *pongyis* were seen chasing three Chulias on the first floor verandah with *dahs*. To cut the story short, the 3rd Additional Magistrate determined to put an end to it, drew his men up in two ranks at the corner of the road and ordered them to fire. The front rank, we understand, fired at the verandah to save the Chulias and the rear rank at the crowd. They fired two rounds of buckshot and twenty-three rounds of ball—approximately two rounds each man. The casualties were two men killed and nine wounded, out of a crowd of five or six hundred. From that moment all trouble in Taungdwingyi was over.⁽²⁾

General police failure.

We have, as will be seen, taken a considerable amount of evidence both from the Burmese and the Indians in this town and from the officials concerned. They leave us no alternative but to conclude that, from the outbreak of the trouble at the Government High School at about 11 a.m. until the assault on U Tun Hla's shop at about

(1) Marked F on the sketch plan.

(2) This conforms exactly to our experience elsewhere.

3 p.m., the civil and police officers of the town and the police constables themselves were, on the whole, content to be mere spectators of the orgy of arson and assault that was going on. With this general proposition we agree. When the crowd first assaulted I. T. Mahomed's house between eleven o'clock and noon, it was even then fully armed with every conceivable weapon ranging from *dahs* to bottles and was in a mood to be thoroughly dangerous to life and property. Yet the police watched this attack and the attacks upon the other Kaka shops in the town. Later, the police took no real steps to stop the looting of Moosa Kaka's house and the destruction and burning at the Mosque. As the Police Station Officer of the place has himself very frankly admitted to us, the town from noon onwards was "out of hand." We agree that the forces at the disposal of the authorities were not large with which to restore order in a town of this size once seriously out of hand. But, in the light of experience gained from similar occasions elsewhere, we think that this force was sufficient, if it had been led with resolution, to have ensured that the place should never have got out of hand and, even when it did get out of hand, to have restored order. We regret to say that it is evident from the course which events took, that the Subdivisional Officer made no real attempt throughout the day to deal firmly with the situation in the headquarters of his Subdivision. It is obvious, we think,—and the communications he had with the Deputy Commissioner and the Commissioner and the evidence on the spot bear it out—both that prior to the 1st of August the Subdivisional Officer had misjudged the temper of Taungdwingyi and that on the 1st of August he had not the determination to order the measures necessary to maintain, or, when it was lost, to recover, control of the place. It may be said that it was the business of the Deputy Superintendent of Police to see that the police did their work. That is, in a sense, true. But, whatever the Deputy Superintendent of Police did or did not do on this occasion, we do not think that the Subdivisional Officer was absolved from his responsibility. We think that the Subdivisional Officer, the senior officer in the Subdivision, failed to show those qualities of leadership and determination in an emergency that he ought to have displayed. And we think that his and the Deputy Superintendent of Police's action in "shikoeing" an unlawful assembly and in making an improper and unnecessary "bargain" with them was utterly inconsistent with their duty, in the particular circumstances, as responsible officers charged with the responsibility of maintaining the peace and security of Taungdwingyi.

The Subdivisional
Officer.

We desire to try to be fair to all concerned. And for that reason we have to say something about the Deputy Superintendent of Police and one or two other officials. We have examined this responsible officer and have not been very favourably impressed with him. But there is this to be said. He tells us that from the time Moosa Kaka's shop had been looted at about noon until the assault on U Tun Hla's house at about 3 p.m., he more than once requested the Subdivisional Officer to give him permission to order his police to fire at the crowds. On each occasion the Subdivisional Officer, in fact, refused. When ultimately firing had to be resorted to at 3-30 p.m., in the afternoon it was left to the 3rd Additional Magistrate to give the order. Why the Subdivisional Officer should have gone to the police-station at this juncture, we have been unable to ascertain. This, then, can be said in explanation of the ignominious part played by the Deputy Superintendent of

The Deputy
Superintendent of
Police.

Police in this affair that he did more than once try to obtain from the Subdivisional Officer his sanction to his using firearms. But that does not entirely meet the case. The crowds were looting and burning in Taungdwingyi from eleven o'clock onwards and things had passed beyond the stage of there being mere unlawful assemblies abroad to be dispersed, if necessary by force under Section 128 of the Criminal Procedure Code. It was from 11-30 a.m. onwards a case of protecting life and property. As it was, at least two Muslims were killed and thirteen others injured as a result of this riot. The estimated damage done in Taungdwingyi alone, according to the victims themselves, was upwards of one and a half lakh of rupees⁽¹⁾. We think that had the Deputy Superintendent of Police been a man of stronger character than he is, he would either have convinced the Subdivisional Officer of the necessity of firing upon the crowd at an earlier stage or have exercised his own powers of dispersing the unlawful assemblies or of defending life and property under the Penal Code at a much earlier stage. Moreover, we do not think that the Deputy Superintendent of Police from the 30th of July onwards made sufficient, or, indeed, any, preparations to deal with a situation which he ought to have been able to foresee was liable to arise. In this, as in most of the other cases we have come across, we think that a little firmness in the critical stages would very probably have accomplished the purpose even without resort to firearms. But it is fair to say in the case of the Deputy Superintendent of Police that he met with singularly little assistance from his Subdivisional Officer.

The rank and file of the civil police at Taungdwingyi.

As to the rank and file of the police themselves, it is right that we should say that they did no more than their own senior officers on the spot. It is, we think, a little unfair to blame the ordinary police constable for not doing his duty in a riot of this kind when he has no encouragement whatever, by example or otherwise, from his seniors to do it. In this case, the men were deprived of leadership of any sort or kind. The experience we have gained from our observation of events in the Districts makes it quite clear that the ordinary policemen without leadership is in most cases like a fish without water. We do not doubt that, if led by resolute and well-trained officers, the police constable will do efficiently and courageously that which it is his duty to do. But, deprived of that leadership, he is a negligible quantity and we do not find it fair to blame him overmuch in this case.

The blame for the failure.

While the principal blame for the failure at Taungdwingyi must fall on the Subdivisional Officer and, to a rather less extent, on the Deputy Superintendent of Police, we do not think that, with one exception, the other civil and police authorities of the town came out of the affair with any credit. It is probably true that they also looked to the Subdivisional Officer and the Subdivisional Police Officer for an example and did not receive it. The 3rd Additional Magistrate does, however, appear to have displayed some resolution throughout. It was he who, in the absence of the Subdivisional Officer, ordered the police to fire at 3-30 in the afternoon upon the mob attacking U Tun Hla's shop. Before that also he seems to have done his best. But there was little he could do in the face of the irresolution of his

⁽¹⁾ This may, of course, be an exaggeration. But, in any case, the damage was very heavy.

colleagues. We desire, therefore, to except the 3rd Additional Magistrate, U Kyi, from our strictures upon the authorities of Taungdwingyi as a whole and on the contrary to commend him because, in difficult circumstances, he realized what his duty was and did it. He has, also, had the courage to tell us a frank story of what occurred.

The actual circumstances of the firing that took place have engaged our careful attention, because there has been the usual suggestion that the police committed an excess. In this case it has been somewhat half-hearted, because the circumstances themselves are so overwhelming that any reasonable argument that firing in the abstract was not justified is impossible. What has been actually said is that the two men who died and the wounded *pongyi* were fired at by three particular policemen while not engaged in looting at all but while on the outskirts of the crowd—deliberately fired on in an opposite direction to the line of fire upon the crowd itself. We have considered this carefully and have come to the conclusion that there is no truth whatever in it. The fact is that one of these men was found lying on the ground near the Chinese tea shop (marked E on the sketch plan) on the side of the road nearest the police. This circumstance has made plausible the suggestion that he was not in the crowd itself. The truth of the matter was, we think, either that when the firing began the crowd instantly scattered or that the man ran across the road after being hit and dropped where he was found. We have had one witness who has said that he was seen to do so. In either case, the spot where he dropped is only a few yards from the house being attacked at the time. There is absolutely no truth in this allegation.

The events which occurred have given rise here, as in other places, to various charges against the police. The first of these consists of allegations that the police improperly arrested various people. U Ba Saw says that he was arrested merely to stop him reporting the behaviour of the police towards a certain *pongyi* named, U Waraiya. U Shwe Pe, a Municipal Commissioner, says he was arrested on the 2nd of August for no cause. Maung Khin Maung U, a journalist, also says that he was unjustly arrested on the 3rd of August. We have examined all these cases with care and we have in each case called for reports from the District Magistrate of the circumstances which led to the arrest of these men and their alleged offences and the materials upon which they were arrested. We are satisfied that in each case they were apprehended upon grounds which made their arrest justifiable. We are not, of course, concerned to consider whether the charges against them, which were ultimately withdrawn, would have succeeded or failed. All we are concerned with is to deal with the allegation that there was no justification for their arrests. The police did not in any of these cases act improperly in arresting them.

Next there is a charge against the District Superintendent of Police himself of his treatment of a *pongyi* named U Waraiya. The District Superintendent of Police had arrived at Taungdwingyi at about 4-30 p.m. in the afternoon, of the 1st of August with the military police after the affair was all over. The first thing he naturally and very properly did was to try to round up all those who had taken part in the riot. Among others he arrested a

The actual firing.

Particular charges against the police. Improper arrests.

Charge against the District Superintendent of Police in relation to the arrest of U Waraiya.

pongyi named U Waraiya. U Waraiya was at the time of his arrest, according to the complainant's story, inside the house of a woman named Daw Toke, one or two doors away from U Tun Hla's house. According to the police story he was seated inside the house. The District Superintendent of Police is charged with having roughly handled the *pongyi*, arrested him without rhyme or reason and despatched him to the police-station. It is then said that on the following morning permission was refused to him to eat the breakfast sent for him from his *Kyaungdaik*. We have ascertained the facts. The facts are that it was not the District Superintendent of Police himself, but the Deputy Superintendent of Police, who supplied the information upon which this *pongyi* was arrested. The information was that he was seen taking part in the riot. Though he was sent to the police-station he was not roughly handled. The whole thing is, we think, a ridiculous story invented by the witness U Ba Saw in his desire to avenge himself upon the District Superintendent of Police for his arrest. According to U Ba Saw's story he and U Tezaw, the *Sayadaw* of U Waraiya's *Kyaungdaik*, complained to the police of the treatment the *pongyi* had received. But none of them, U Tezaw, Daw Toke or U Waraiya himself, has come forward to support the story. The fact is that the Deputy Superintendent of Police himself sent the man back to his *Kyaungdaik* on the same evening. He ought not to have done this without the orders of the District Superintendent of Police. We have noticed in many places a tendency, when *pongyis* have been either arrested or hurt in the riots, for certain sections of the public to distort these facts into charges against the police. This we think is one of them.

Individual
cases of
police
indifference.

Next there have been many cases brought to our notice in which individual police or bodies of police are said to have stood by ineffectively while looting and arson was going on. But, as we have said, it has been established to our satisfaction that the police generally were passive between noon and 3 p.m. on the 1st of August. And we do not doubt that there is truth in many of these allegations that the police in general stood by and watched damage being done. We do not think it necessary or right to single out individual cases, for *all* the police share between them the burden of this charge and not least their officers on the spot. We do not think the charge applies to one more than to the others. But in some cases it has gone further than this because it has been freely said that the police not only stood passively by but even went so far as to announce that, provided Indians were not hurt, the looting and arson might go on. A particular instance of this is furnished in the case of the sustained attack on I. T. Mahomed's house. With that we have already dealt. It has been proved to our satisfaction that this was in substance what the Subdivisional Officer and the Deputy Superintendent of Police bargained for. This charge is substantially true as against the Subdivisional Officer and the Deputy Superintendent of Police. But we do not find it proved as against the other Magistrates nor as against the Police Station Officer, U Ba Thein. There was, in evidence a variation of, or addition to, the story to the effect that a bargain was struck that, if the "guns" were removed from I. T. Mahomed's house, it might then be looted. This was not true. The true story was as we have related it earlier in this report and we have made our comment upon it.

The case of Taungdwingyi is in some respects not dissimilar to the case of Wakema in respect of the unfortunate association of an incompetent Subdivisional Officer with an irresolute Deputy Superintendent of Police. The breakdown was perhaps not so complete as it was not of such long duration as at Wakema, for the military police arrived to restore order at 4-30 in the afternoon. If the Subdivisional Officer or the Deputy Superintendent of Police had acted with resolution when Moosa Kaka's shop started to be looted at or before noon or at any stage thereafter, we think that the affair would not have been protracted, as it was, till the afternoon and that the very extensive damage to property, loss of life and injury to persons which occurred would have been avoided.

Comparison of Taungdwingyi with Wakema.

There is nothing to add, in the case of Taungdwingyi, to the causes of the riots which operated elsewhere. Our inquiry has been so concentrated on the actual events that took place there, that our witnesses have refrained from presenting us with their views of the causes of the disturbance. But we have had some evidence which leads us to suppose that both the *Thakins* and a number of disreputable *pongyis* took a part in stirring up the excitement which led to the happenings on the 1st of August. But we do not doubt that here also the mainspring of the movement was the dislike and distrust of the comparatively few Muslims who lived in the town. The attack upon them was so concentrated and so vicious that it is impossible to take any other view than that they were its special object. The particular attack upon the Mahomed brothers can be explained for local reasons because of the incident at the Government High School and their general unpopularity. Nor do we think that the disclosure of Maung Shwe Hpi's book was here, any more than elsewhere, the real cause of the rioting.

Causes at Taungdwingyi.

Magwe.

We regret that in connection with the disturbance at Taungdwingyi and its handling by the Subdivisional Officer which we have just dealt with and, to some extent, in connection with the events at Yenangyaung which we shall come to next, we have an unpleasant matter to deal with at Magwe. It concerns the officiating Deputy Commissioner of Magwe, Mr. F. H. C. Mullerworth. We must first set out some facts.

Magwe is the headquarters of the Magwe Division and is situated some fifty one miles from Taungdwingyi and some thirty one miles from Yenangyaung. Magwe is also the headquarters of the Magwe District. On the morning of the 1st of August the distribution of the senior officers of the Division was as follows:—The Commissioner, Lieut.-Col. V. Beadon, M.C., I.A., was at Magwe. So were the Deputy Commissioner, Mr. F. H. C. Mullerworth, and Mr. Hirst, the Assistant Commandant of the military police stationed at Magwe. The District Superintendent of Police, Mr. Bestall, was at Yenangyaung. There was there too the Warden of the Burma Oilfields, Mr. T. S. Atkinson, I.C.S. The Assistant Superintendent of Police, Mr. Lilley, was at Chauk, having been sent there by the District Superintendent of Police to take charge in case trouble broke out there. This distribution of responsible officials, was, if we may say so, excellent. For it

Distribution of officers on the 1st August.

was obvious that both Yenangyaung and Chauk were dangerous spots with their substantial populations, recently excited by the oilfields strike, and it was clearly wise that the District Superintendent of Police should have been there, with his Assistant at Chauk.

Receipt of
the news
from Taung-
dwingyi

We have seen that at 12-35 p.m. the Subdivisional Officer of Taungdwingyi had sent off his alarming telegram to the Deputy Commissioner at Magwe announcing that the town was "uncontrollable" and "soliciting orders". This telegram, as far as we can judge, was received by the Deputy Commissioner at Magwe very shortly before one o'clock. He at once rang up the District Superintendent of Police at Yenangyaung. That Officer and the Warden happened to be together at the moment and the District Superintendent of Police, having first consulted the Warden as to whether he ought to leave Yenangyaung and received the assurance of the Warden that he would take charge in his absence, there and then decided to go at once to Taungdwingyi with twenty military police from Yenangyaung. When we come to deal with Yenangyaung it will be seen that all was quiet there on the morning of the 1st, while it certainly looked from the Subdivisional Officer's telegram as if Taungdwingyi, and possibly the whole Subdivision, was out of control. We cannot possibly blame the District Superintendent of Police for his decision, though, with the wisdom of those who have the benefit of considering events after they have occurred, we know now that it would have been better if he had stayed where he was. Having come to that decision and communicated it there and then to Mr. Mullerworth on the telephone, Mr. Bestall lost not a moment in putting his twenty men into a bus and despatching them to Taungdwingyi while he himself got into his car and left Yenangyaung at about 1-10 p.m.

Arrival of
the District
Superin-
tendent of
Police at
Magwe.

Now, to get from Yenangyaung to Taungdwingyi by road, you have to go to within two miles of Magwe and there, by a cross road, you get on to the Magwe-Taungdwingyi Road. The whole distance would be about eighty miles. Mr. Bestall—very rightly—decided, while so near Magwe, to go in and have a word with the Deputy Commissioner as he passed. And he, in fact, arrived in Magwe at 1-55 p.m., having covered the distance of thirty one miles between Yenangyaung and Magwe at a pace exceeding all recognized speed limits.

The Commis-
sioner's
orders.

Meanwhile, the officiating Deputy Commissioner of Magwe, having spoken to Mr. Bestall at about 1 p.m. on the telephone, at once got into touch with the Commissioner, who at the moment was engaged in a conference concerning canals. He read the telegram to the Commissioner and told him what arrangements he had made with the District Superintendent of Police. The Commissioner at once took the view—which, as it turned out, was the right view—that it was not wise for the District Superintendent of Police to leave Yenangyaung and, moreover, that it would be better to send the mounted police from Magwe, which was quite quiet, to Taungdwingyi instead of the military police from Yenangyaung. He there and then gave Mr. Mullerworth an order.⁽¹⁾ It was that he was to send Mr. Hirst to him at once to receive orders to take twenty of the Magwe mounted police to Taungdwingyi, that he (Mr. Mullerworth) was *at once*

⁽¹⁾ We are not sure whether, technically, the Commissioner was competent to give an 'order' to the Deputy Commissioner. But it is immaterial for our purpose.

to go to Taungdwingyi himself to take charge and that he was to arrange to have the District Superintendent of Police and the military police intercepted at the cross roads and the District Superintendent of Police sent in to speak to the Commissioner the moment he got there. We have been at great pains, in fairness to all concerned, to ascertain what these orders were and we are satisfied that this was their sense, if not their actual words. The two words we have put into italics above are from the evidence of Mr. Mullerworth himself. This was all done before 1-15 p.m., though it was possibly the result of more than one telephone conversation between the Commissioner and Mr. Mullerworth.

While those orders were given Mr. Bestall was already devouring the road from Yeangyaung to Magwe at a most indecent speed. But it was not of course, then realized in Magwe that Mr. Bestall had made up his mind to come into Magwe on his way, instead of going straight to Taungdwingyi by the cross road two miles outside the town. He arrived in Magwe, as we have said, at 1-55 p.m.

After receiving the Commissioner's orders at about 1-15 p.m. Mr. Mullerworth, as far as we have been able to ascertain, took no step whatever to have Mr. Bestall intercepted at the cross roads. It, in fact, turned out to be unnecessary as Mr. Bestall came into Magwe, though we do not think that Mr. Mullerworth knew of his intention to do so. Moreover, at 1-55 p.m. Mr. Mullerworth had himself not started for Taungdwingyi. When Mr. Bestall arrived, therefore, at the Deputy Commissioner's bungalow, he found him there. He enquired about the situation at Taungdwingyi and spoke of the twenty military police on the way from Yeangyaung and the arrangements he had made. The Deputy Commissioner told him that he himself was coming out *later*. And it was arranged that Mr. Hirst should go on immediately to Taungdwingyi *with the District Superintendent of Police*, in his car, as Mr. Hirst's car was, for the moment out of action. And yet *not one word was said by Mr. Mullerworth to the District Superintendent of Police either about the Commissioner's wish to see him or about the Commissioner's wish that he should not leave Yenangyaung just then.* The District Superintendent of Police and Mr. Hirst then left Magwe at 2-10 p.m. for Taungdwingyi and arrived there at 3-40 p.m. Mr. Mullerworth afterwards left Magwe at about 3 p.m. and arrived in Taungdwingyi at about 4-30 p.m.

Deputy Commissioner's movements.

We have asked for an explanation from this officer first as to why, when ordered at about 1-15 p.m., to go "at once" to Taungdwingyi, he delayed till 3 p.m., and, secondly, why he failed to communicate to the District Superintendent of Police the order given him by the Commissioner that he wished to see him the moment he arrived with a view to his returning to Yenangyaung. The explanation of the Officiating Deputy Commissioner as to the first point is that, in view of the probability of his having to spend the night at Taungdwingyi, it was necessary for him to "collect his servants" and to make other arrangements and, as to the second point, that, in the prevailing excitement, he "forgot".

We regret that we find neither explanation satisfactory and we have felt ourselves bound to face the unpleasant conclusion that, in

our opinion, the Officiating Deputy Commissioner had no appetite to arrive at Taungdwingyi before the District Superintendent of Police and his men had reached there and restored order. And we have the additional misfortune to believe that he deliberately ignored the Commissioner's directions to him to stop the District Superintendent of Police.

We must leave it at that, except perhaps in fairness to say that, even if the Deputy Commissioner had left Magwe at (say) 1-30 p.m., he would scarcely have arrived at Taungdwingyi in time to influence events there. That, however, is not the only point involved.

Yenangyaung.

Operation of
general
causes at
Yenang-
yaung.

Proportions
of Burman
to Indian
labour
employed by
the Burma
Oil Company,
Limited.

Yenangyaung differs from most of the other parts of Burma visited by us in that there appears to be no history of any general anti-Indian feeling. In the recent strikes at Chauk and Yenangyaung Indian labour had come out on strike in almost exactly the same proportion as Burmese labour and they later returned to work in very similar proportions. At the time of our inquiries in Yenangyaung a march of "strikers" from the oilfields to Rangoon was actually in progress, which though it has no actual bearing on our present inquiry, is interesting because the marchers included an appreciable number of Indians. This again points to an absence of communal ill-feeling in Yenangyaung. During the past fifteen years there has been a steady increase in the percentage of Burmese labour employed by the oil companies and a corresponding decrease in Indian labour employed.⁽¹⁾ So far as Yenangyaung is concerned there cannot be, nor we think is there, any legitimate complaint that the Burman is prejudiced by the Indian labourer. A noticeable feature in Yenangyaung is that most of the tea-shops are owned by Burmans. Elsewhere Indian owners of tea-shops have attracted the particular dislike and attention of rioters and looters. But in Yenangyaung at any rate that irritant was also absent. We point these facts out because, in view of what we have said in our introductory chapters, it is fair that we should notice that the history of Yenangyaung affords little or no evidence of any anti-Indian resentment or ill-feeling.

(1) We have received some extremely interesting evidence from Mr. Webster, Labour Superintendent of the Burma Oil Company's Oilfields at Yenangyaung. He gives us as his experience that in Yenangyaung there had been no interference of Indian labour with Burmese labour but that by a natural process the proportion of Burmese to Indian labour has been on the increase for a period of, at least, eight years. The Company gives preference to local Burmese labour. In his experience there has been no clamour to displace Indians by Burmans and even now there is little friction between them. The labour engaged in the drilling of wells is a hundred per cent Burman, as is also the case in building the derricks. The production gangs are seventy-five per cent Burmese, while in the case of machinists, welders and artisans they are sixty per cent Burman. On the other hand earth workers are a hundred per cent Indian, that form of labour being unpopular with the Burman. Mr. Webster says that sufficiently trained Burmans are not available to do all the work that might be done by Burmans. He adds that the average Indian stays in his employment in the oilfields for three years and then goes back to India for a time. On the 31st December 1930 the proportions of Burman to Indian labour in the oilfields were forty-eight per cent Burman to fifty-two per cent Indian. On the 3rd December 1938 the proportions were sixty per cent Burmans to forty per cent Indians. Translating that into figures, on the 31st December 1930, 4,417 Burmans were employed out of a total pay roll of 9,209, while on the 3rd December 1938, 3,409 Burmans were employed out of a total pay roll of 5,686. Mr. Webster attributes the cause of the riots at Yenangyaung to their having been "politically" worked up.

We have no doubt, however, that the general attitude of Burmans towards Indians which existed elsewhere in the country must in view of the course which events took, have in the abstract existed at Yenangyaung also. We have been told also that there is, and for long has been, a strong anti-Chittagonian feeling in Yenangyaung. No reasons have been given us for this but it has been described as an "innate dislike". Though Yenangyaung differs from nearly all the places of Lower Burma in its immunity from any obvious anti-Indian sentiment, we think that the reason is not far to seek nor is it difficult to reconcile with the conditions we have found elsewhere in Burma. The population of the greater part of Burma depends upon agriculture for its livelihood and the agricultural community has been passing for many years through a period of great depression. For the reasons which we have explained in our introductory report this has, in our view, had the effect of bringing, or of appearing to bring, the Burman indigenous population into economic conflict with the Indian immigrants. In the oilfields there has been no comparable depression and, consequently, nothing to disturb the relations of the Indian with the Burman. Elsewhere in the country this conflict has been deliberately fostered by *Thakin* and other organizations and, in most parts of Burma, anti-Indian agitation has been, in fact, in the forefront of the programme of the *Thakin* Party. But in Yenangyaung it is evident that anti-Indian feeling was likely to disunite, and therefore weaken, any form of labour unrest, for the simple reason that a strike without Indians participating in it would have been a much less formidable affair than the full blooded strikes of both Burmans and Indians which were engineered by *Thakins* in January 1938. It was essential for agitators of Yenangyaung to preserve a united front. That was the reason why, so far from any deliberate stimulation of anti-Indian feeling, there was, in fact, in Yenangyaung, a deliberate attempt to keep the two communities together.

Reasons for
absence of
anti-Indian
propaganda
in Yenang-
yaung.

There is no actual evidence that the *Thakin* Party, as such, took any active part in the organization of the riots in Yenangyaung⁽¹⁾. This, however, is not to say that many *Thakins* did not take individual parts in the disturbances nor that the "Youths Improvement Society" which took a leading part in organizing the disturbances does not include *Thakins* nor that it is in any way greatly different from the *Thakin* Party in its professed objects and methods.

Thakins in
Yenang-
yaung.

We think that one of the effects of the strikes which took place in Chauk and Yenangyaung during 1938 was seriously to weaken respect for law and order. They left behind them a legacy of unrest in the oilfields and in Burma generally which was brought to a head by the widespread advertisement of the objectionable passages in Maung Shwe Hpi's book, by the publication of provocative reports, articles and photographs in the vernacular press and by further local agitation built upon these foundations. It has been suggested to us that the strike itself may have stimulated a feeling against those Indians who,

Local Causes

(1) But it has to be remembered that the *Thakin* were almost entirely responsible for the organization of the oilfields strikes which began in January 1938 and in that sense made a handsome contribution even at Yenangyaung to the spirit of unrest which underlay the disturbances throughout the country.

although they went on strike together with their Burmese fellow workers, were more ready to return lest they might lose their employment. But the facts do not support this theory.

Agitation
leading to
outbreak of
disturbances.

We come now to the details of the agitation worked up on these foundations. We are told that on the 28th of July, when news of the rioting in Rangoon first reached Yenangyaung, a private meeting was held of a semi-political organization known as the "Youths Improvement Society." The members of this Association, which is believed to have branches throughout Burma, are young men of twenty to twenty-five years of age, some of them *Thakins*, and there is little doubt that the objects of the Association are similar to those of the *Thakin* movement. It is believed that at this meeting it was resolved that if any trouble should break out in Yenangyaung an alarm was to be sounded by striking iron pipes and electric light standards, as was done in Rangoon, and that members of the Association should turn out into the roads and streets armed with sticks and stones and shout to the effect that trouble had broken out between Indians and Burmans. On the 31st of July another private meeting was held in a *pongvi kyaung* known as the *Aye Kyaung* at which *pongvi* U Ardeiksa, Maung Twe and Maung Hla, both brothers of *Thakin* Hka⁽¹⁾ were present. At this meeting it appears to have been decided to put into action the plan discussed at the previous meeting and also that one of the members of the Association should go out and shout that Indians and Burmans had started fighting in order to cause an alarm and so give the signal for the Association to act. Perhaps it is no coincidence that on this day *Thakin* Hka himself returned from Rangoon and spread reports of police excesses there.

31st July.
First out-
break of
actual
trouble

At about 3 p.m. that afternoon there was the first outbreak of trouble in Yenangyaung when six or seven Burmans rushed into the bazaar area from Lethmatkon and threw stones on Indian soda water shops. Two *dahs* were said to have been thrown at an Indian shop in the bazaar, one Indian was cut and there was a certain amount of looting. The District Superintendent of Police and the Subdivisional Magistrate were quickly on the scene with Civil and Military Police, and dispersed the crowds but were unable to trace the authors of the original assaults. All Indian shops in Yenangyaung immediately closed in alarm.

1st August.

Another meeting was held at noon on the following day at which similar resolutions were adopted. We think that on that day too the "New Light of Burma" and the "Mandalay Sun" of the 31st reached Yenangyaung with allegations of police excesses in Rangoon, of attacks by Indians upon Buddhists and of the supposed desecration by them of Pagodas. There is no doubt that these articles and reports stimulated feeling against Muslims and had a very disturbing effect upon the situation.

Method
adopted in
our report.

The outbreak of more serious trouble was approaching. But we do not propose to give a minute account of the disturbances at Yenangyaung in all their detail. It would be a difficult task and it is by no means clear that the results would justify the expenditure of space,

(¹) Very prominent in the oilfields strikes and eventually arrested at Syriam.

time and trouble involved. We propose to relate only the principal and more controversial incidents of the disturbances in Yenangyaung and those which have been the object of any particular attack before us upon the authorities. We think, nevertheless, that this narrative will give a sufficiently complete picture of the course there of the disturbances for our purposes and will give us, at the same time, an opportunity of considering all the representations that have been placed before us by the public.

At about 4 p.m. on the 1st of August trouble broke out again, this time in the Shwekyangon Ward. As will be appreciated from our report of what happened at Magwe and Taungdwingyi⁽¹⁾, the District Superintendent of Police was then absent from Yenangyaung, while the Assistant Superintendent was at Chauk. The Warden, who had taken charge of the situation, at once went with the Subdivisional Magistrate to Shwekyangon where they found a party of civil police armed with sticks. They were told that an Indian had been badly assaulted by Burmans coming from the Seinban block. They went to Seinban and found a crowd of Burmans including a large number of *pongyis*, whom the Subdivisional Magistrate persuaded to disperse. Almost immediately afterwards at 4.30 p.m. news reached the Warden and the Subdivisional Magistrate of serious trouble at the bazaar and they went straight there to see what had happened. Before reaching the bazaar they met another party of twenty civil police armed with lathis which had been brought down from the Lethmatkon Police-station by Sergeant Phillips. The police party, equipped only with lathis, attempted to disperse this crowd of young Burmans who were armed with sticks, *dahs*, bottles and bricks and were engaged in looting Indian shops in and near the bazaar. Lathi charges took place but it was found impossible to disperse the crowd. Two of the civil policemen received injuries and had to be taken to the hospital. This incident is of interest as it is one of the very few occasions during the riots on which the police got the worst of it and it goes to show the difficulty attending an unarmed force of police in the face of an armed crowd. At 5 p.m. the Warden decided that the military police must be called out to assist⁽²⁾. He asked the Circle Inspector of Police to get a message sent to the Subedar in command of the military police post at Shwebontha. A runner was despatched to the Yenangyaung Police-station, whence the message had to be sent by telephone to a police constable on duty at the Assistant Superintendent of Police's office at Shwebontha while, in turn, another runner had to be sent from there to the Subedar in charge of the military police at the post across the road. Something went wrong with the somewhat complicated transmission of this message and it is clear that it was not delivered in its original form. A second message was then sent a quarter of an hour later. But this time there must have been some misinterpretation in transmission or misunderstanding on receipt, because at 5.40 p.m.

4 p.m. 1st August. Out-break near Yenangyaung Bazaar.

Delay in the arrival of the military police.

(1) See page 98 *et. seq.*

(2) A criticism has been made that it would have been better if the Military Police had been called out earlier. If the District Superintendent of Police had been present in Yenangyaung, he perhaps might have done so. But the Warden is in no sense whatever to blame for not having done so. He was temporarily in charge owing to the District Superintendent of Police having been called away to Taungdwingyi and did every thing that it was possible for him to do, considering that he had stepped into the breach at the last moment.

when the Treasury Officer was putting away his money in the treasury vault the Military Police had not yet moved and were still only getting ready to go. The Treasury Officer, U Ba Thein, the Fourth Additional Magistrate, joined the military police party when it did eventually set off in the direction of the town and the bazaar. He did not, however, realize that the Military Police had been sent for and were urgently required by the Warden and his party in the bazaar. As the party went down towards the town, on seeing a party of Burmans looting a small shop, they stopped and chased them and attempted to arrest them but without success. All this occupied some time and when the Military Police had been reassembled there were considerable and not very friendly crowds on the road and the Fourth Additional Magistrate judged it unsafe to put the police back in the motor bus. Being afraid they might be attacked and find themselves unable in their cramped position to repel attackers, he marched them down into the town towards the bazaar. The result of these manoeuvres was that they did not reach the Warden until about 6 p.m. As soon as the Military Police arrived the crowds quickly dispersed. We have set this out at some length because it did constitute a breakdown in the system to a small extent. It is difficult to attach any blame to any one. Certainly the Warden was not to blame. What was really wrong was that there was no telephone at the Military Police lines.

6 p.m. 1st
August.
Attack upon
the Obo
Mosque.

In the meantime part of the crowd that had originally caused trouble, including a number of *Koyins* and *Upazins*, had gone in the direction of the Obo Quarter and attacked the Obo Mosque. This crowd was large and began throwing stones and other missiles at the Mosque. The *Moulvi* and the *Muezzin* and a dozen or so other persons who were in the Mosque at the time, became alarmed and took refuge on the roof. The crowd then burnt a rest house in the Mosque compound, broke into the Mosque itself and set fire to it with rags and kerosene, destroying the holy books and everything else that was inside it. The crowd made three or four determined attempts to get at the refugees on the roof and was only prevented from getting up the iron staircase leading to it by one of them who with considerable courage defended it with a *dah*.

Failure to
discover the
men on the
roof of the
Mosque.

Just before dark the Warden arrived with a party of military police. There has been a dispute before us as to when this actually was, for according to three witnesses who were on the roof of the Mosque, he actually arrived *before* the Mosque had been set on fire. But we have heard the Warden's own account of this which is that when he got there the Mosque was not only on fire but was by that time completely gutted, all that would burn having already been burnt. The Warden can hardly have made a mistake in so important a matter and we are satisfied that in fact he did not arrive until the Mosque had been almost entirely destroyed. On his arrival with the military police, the crowd dispersed, the *Koyins* and *Upazins* retreating into a *pongyi kyaung* close by, from which they continued to jeer and throw stones at the police party. The moment the Warden's back was turned, however, they came out again and again surrounded the Mosque. A story has been told us by some witnesses who say that the Warden entered the Post Office compound next door and was asked by them to take them away to safety, which, according to them, he refused to

do. The Warden himself is emphatic that nobody asked him to take them away and that at the Mosque he saw no one to rescue. We entirely believe him in this respect, the more readily as his subsequent actions confirm his account. For, when a little later, the Post Master rang him up to say that there were Indians on the roof of the Mosque, he immediately spoke to the Circle Inspector of Police on the telephone and told him to go and see what was happening. This the Circle Inspector did but again found nobody and came away. The real truth of the matter appears to us to be that the Indians who were still on the roof of the Mosque had in all probability hidden themselves and were afraid to show their faces. At about 8 p.m. a bungalow and stable belonging to Mr. C. M. Surty situated next to the Mosque were also burnt. Finally at some time after midnight, or even after one o'clock, the postmaster himself rang up the Warden again to say that the Indians were still on the roof of the Mosque. The Warden at once rang up the police-station and had a party sent there immediately from Lethmatkon Police-station under Sergeant Phillips, who this time succeeded in finding and rescuing them. We are, on this evidence, completely satisfied that there was no deliberate failure by the Warden, or by any other officer or policeman, to rescue these Indians from the Mosque.

6 p.m. to midnight, 1st August. The incident at the house of Mahomed Maqsd.

We must now go back a little in time and see what was happening elsewhere. A contractor named Mahomed Maqsd possessed a house in Myenikin about a quarter of a mile from Lethmatkon Police-station, where he lived with his wife and children, two sisters-in-law and two nephews. Behind and adjoining this house was a house belonging to another contractor called Gani. Maqsd and his family were in the house on the afternoon of the 1st of August, when at about 5-30 or 6 p.m. a crowd of some fifty or sixty Burmans approached and attacked both houses. No *pongvis* were seen in this crowd at first, although it is suggested that some joined it later, but it was armed with sticks, *dahs*, knives and bottles. The crowd began by throwing bottles and bricks from the compounds at the houses of Mahomed Maqsd and Gani, breaking the windows and doing a deal of other damage. It is worth observing that Mahomed Maqsd has, in his evidence before us, assured us emphatically that he was in a position to recognize and did recognize four persons in the crowd whose names may be seen in the record of his evidence⁽¹⁾. At about this time two of Mahomed Maqsd's employees, Alam and Abdul Huq, arrived at the compound in his vanette, driven by a Burman driver. The driver ran away and the other two hid, probably in some quarters or outhouses standing in the compound, while the vanette was seized by the crowd, one of whom drove it away. It was, in fact, later found in the ditch off the main road near the American Club. Others of the crowd pulled Maqsd's lorry out from under the house where he usually kept it and began breaking it up. At about this stage some of the crowd went away but a number of rioters remained behind on guard over the house, in order to prevent any of the inmates getting out or communicating with the police. At about 6-30 p.m. a Mr. Waddington Brooks, of the Burma Oil Company, reported to the Lethmatkon Police-station that there was trouble in Myenikin Village and there is little doubt that what he had heard was the disturbance going on at or near Maqsd's

First Report at the Police-station.

(1) Yenangyaung witness No. 44.

house. The Police Station Officer himself has no recollection of Mr. Waddington Brooks coming to report and we think it probable that it was the Guard Writer to whom that gentleman spoke. At that time the Police Station Officer had only five or six men available in the police-station over and above his Guard Writer and Assistant Writer, and four men on sentry duty. There were, moreover, a number of rioters coming up the main road past the police-station and it was obvious that there was trouble brewing all around. We have been invited to say that the Police Station Officer failed in his duty by not sending his force at once to Myenikin. But, in all the circumstances, we are of opinion that those in charge of the police-station acted properly and reasonably in not denuding the police-station still further in order to send a patrol to investigate matters in Myenikin at this juncture. The long and short of the matter is that there simply were not the men to spare.

**Murder of
Alam.**

**The murder
in the neem
tree.**

At about 7 p.m. a fresh attack on Maqsd's house broke out. It is not clear whether the first crowd had returned or whether a fresh crowd had collected. But it is immaterial. This crowd started by attacking the outbuildings where Alam lived and was now hidden. Those in Maqsd's house heard the sounds of blows but they only came to know later that Alam had been found and cut to death by the rioters. At that point Maqsd, with his wife and child and the two sisters-in-law, climbed out of the kitchen window of their house and got out on to the roof which consists of a "V" shaped trough between two sloping roofs. Into this they crept and from that hiding place they saw and heard most of what went on beneath them. After a time they heard two men shouting for help from a neem tree in the compound. Maqsd could see these two men in the branches of the tree but it was too dark at the time for him to see who they were. The crowd below were throwing stones at them and when this had no effect, got gunnies and rags from under the house, dipped them in kerosene, tied them to bamboo poles and set them alight. With these improvised torches they prodded the unfortunate men in the neem tree, who climbed about from branch to branch for about three-quarters of an hour. When the crowd failed to dislodge them in this way, a man⁽¹⁾ climbed up with a *dah* and began cutting down branches of the tree. The two men on the tree had no real chance and eventually they were forced down and killed by the crowd. We are told that after this the crowd sang and shouted and made a bonfire in the compound with everything they could collect from under Maqsd's house or from the outbuildings. They never went up, however, to the first floor of the house where there was much property and where Maqsd's two nephews were still concealed. Maqsd says that these events took place between 8-30 and 9 p.m. but obviously any statement of time must, in the circumstances, be taken as guesswork.

**Second
alleged
report to
police-
station**

It had still not been possible to send any word to the police-station from Maqsd's house. But at about 8 p.m. one Guru Meah⁽²⁾ who had all this time been in Guni's house had managed to make his escape. He had hidden in a latrine in the compound and managed to get away, but not without receiving a cut on his arm. He reached

(1) One of the men whom Maqsd says he can identify.

(2) Yenangyaung witness No. 45.

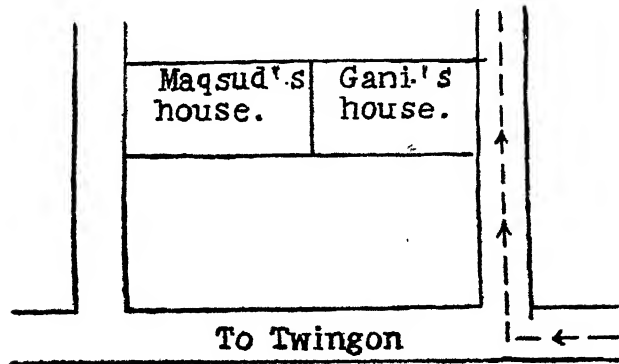
the police-station and says that he at once reported to the Police Station Officer that the houses of Maqsd and Gani were being attacked and that the inhabitants of the houses could only be saved if help was sent at once. This was at 8-50 p.m. He says no action was taken upon his report, except that he was sent to hospital where he remained for fifteen days. Maqbul Ahmed⁽¹⁾, a refugee in the police-station, has supported this before us with evidence that he overheard Guru Meah making his report and more or less confirms his account of the matter. But we still have some doubts whether Guru Meah actually did make the report he claims to have made. If he did, it is obvious that he had difficulty in getting the ear of those in authority, partly because they could not understand his speech and had to get other refugees to interpret and partly because those in charge at the police-station were undoubtedly exceedingly busy in dealing with the many telephone calls and reports of trouble continually coming in from all sides. At 9 p.m., only ten minutes later, Mr. Joe Grove⁽²⁾, an American employed by the Burma Oil Company, Limited, came to the Lethmatkon Police-station and reported that he had found a dead body near the *zayat* at the entrance to Myenikin Village. By this time the police force available at Lethmatkon Police-station had been reinforced by the return at about 8-15 p.m. of Sergeant Phillips and eighteen constables from the Yenangyaung bazaar area. This party had gone down to the Yenangyaung bazaar earlier twenty strong but two of the policemen had had to be left in hospital because of injuries received in the disturbance near the bazaar. Accordingly, Sergeant Phillips and a party of police went out at once, found the body near the *zayat* and sent it to hospital. This body was brought down on the bumper of Mr. Joe Grove's car, as the police had just sent their bus to the hospital with Guru Meah and were temporarily without motor transport. Sergeant Phillips and the police party then actually patrolled through Myenikin Village where they found all quiet. The charge against the police of Lethmatkon Police-station, and particularly against the Police Station Officer, that arises out of this is that he deliberately neglected to take any steps to save Maqsd and his family at 8-50 p.m. when the facts were reported to him by Guru Meah. We have considered this very carefully and are quite unable to find that it is true. In fact at nine o'clock—or ten minutes later—the Police Station Officer showed not the least reluctance to send out a patrol when the body at the *zayat* was reported to him and it is to our minds idle to suppose that he was willing to do at nine o'clock that which he was either unwilling or too frightened to do at 8-50. The *zayat* is only a few yards from Myenikin Village. We have visited the scene and it is quite evident what happened. Maqsd's house, where the murders took place and on the roof of which Maqsd and his family were still hiding, is *not* actually on the road that Sergeant Phillips went down. There are two roads—or more properly, lanes—through the village which, in order to make the point clear, we show in a diagram below. The route taken by Sergeant Phillips and his party is shown by the dotted line. They passed Gani's house but did not actually see Maqsd's house as this was behind Gani's house. The two houses are in fact back to back. They went down the lane by Gani's house and saw and heard no disturbance. This is not in the least surprising having

Third report
to the police-
station.

(¹) Yenangyaung witness No. 46.

(²) Yenangyaung witness No. 66.

regard to the geography of the place. It is fairly clear that they must have arrived soon after the murders had been committed and after the celebrations round the bonfire, if they took place, had been concluded. The police party returned to the police-station at about 9-45 p.m. Another suggestion that has been made to us, is that it was possible to hear what was going on in Myenikin Village from the police-station itself. We have been to the police-station to test this. It is not true.



Fourth report
to the police-
station.

Some time later, probably near midnight, it appears that information was again brought to the police-station that Maqsud and his family were in difficulties. Maqbul Ahmed⁽¹⁾, a refugee in Lethmatkon Police-station, says he gave the Police Station Officer this information and asked that help should be sent to the house of Maqsud and Gani and offered to take a party of police himself to the houses. A party of about twelve was prepared. But at that moment the Warden arrived and, having just received news of a serious disturbance at Twingon, he took all the available police with him to that place. This too has given rise to the suggestion that Maqsud was being deliberately left to his fate. But, in order to do justice to the police, it has to be appreciated to what extent confusion reigned over the whole area and the pressure under which the police-station was working. After going round Twingon, in the course of which they arrested one person in possession of looted property, the police party returned to the Lethmatkon Police-station. They were then sent at once in a bus to Maqsud's house, where they looked round and found the dead bodies. Maqsud and his family hiding on the roof heard them say that there did not appear to be anybody else. They then called out for help, came down from the roof and the police party took them all back to the police-station at Lethmatkon. Besides the three men killed in Maqsud's compound two were killed in or near Gani's house. It is not clear exactly how they came by their deaths. These facts again are consistent with the whole story. There was no deliberate intention to side track the rescue of Maqsud and his family, because the moment the expedition to Twingon was over the party at once set out for Maqsud's house. And even then it was only at the last moment and with some difficulty that the refugees on the roof were discovered.

The final
rescue of
Maqsud.

(1) Yenangyaung witness No. 46.

Maqsd has complained that the police were culpably slow in taking action to rescue him and his family. We think that our narrative of the events at Lethmatkon Police-station during the night of the 1st/2nd August makes it clear that there was no avoidable delay or slackness. When the first reports of trouble were received at 6-30 p.m., there was no striking force available at the police-station as a party had been sent down under Sergeant Phillips to the Yenangvaung Bazaar area. After Guru Meah and Mr. Grove reported at 8-50 and 9 p.m. a patrol was in fact sent to the village of Myenikin but found all quiet. When a further report was received at about midnight, there were more immediate matters to be attended to at Twingon. As soon as the police party returned from Twingon, it went out again to Myenikin and rescued Maqsd and his family. We can quite appreciate the feelings of this unfortunate family as they hid for hour after hour on the roof of the house not knowing what was going to happen next. But we think that they have not altogether appreciated the difficulties under which the police were working at Lethmatkon Police-station and have been disposed a little too readily to attribute to them an indifference or slowness which was in fact no more than that the police could not be in two places at the same time. We are unable to find that any case of breach of duty has been proved against the police in this respect.

Maqsd's
complaint.

Some time between 12-30 and 1-30 a.m., that is to say immediately after the events discussed in the preceding paragraphs, news was received at the Lethmatkon Police-station that there was trouble near the Lethmatkon Bazaar. Sergeant Phillips took a party of about twenty armed civil police to the scene. The party was accompanied by the Third Additional Magistrate, U Thaung. This party went in a bus. When they got near the bazaar, they stopped the bus and saw a crowd of some fifty persons in the road, and thirty to forty persons in the shops by the roadside, looting. Some of this crowd were armed with iron rods and others with sticks. The party went straight to a Kaka shop, where the Third Additional Magistrate told the crowd on the road to go back, while Sergeant Phillips and his police shouted to the people in the shops to go away and attempted to clear them. The Third Additional Magistrate warned the crowd on the road three or four times that if they did not disperse they would have to be fired at. Some of the crowd went back and some did not. There was then, suddenly, a rush from the shops towards the police. We have no doubt, from the evidence of Sergeant Phillips and the Third Additional Magistrate, that the advancing crowd intended to assault the police. Three constables fired a round of buck-shot each in self-defence. If they had not fired, they would have been assaulted and their fire-arms might have been taken from them. The Magistrate had no time actually to give the order to fire and, actually, the firing took place, not in order to disperse the crowd under section 128 of the Criminal Procedure Code but, technically, in self-defence. After the firing the crowd at once dispersed. On the following morning at about 8 a.m., two persons came into the police-station with gunshot wounds and were sent to the hospital. We are wholly satisfied that the shots fired on this occasion were fired in self-defence and were legally justified and that no excessive force was used. The police party returned to the police-station and from there immediately set off again at 1-40 a.m. to rescue the refugees on top of the Obo Mosque, as already recounted in an earlier paragraph.

1 a.m., 2nd
August.
Incident near
the Lethmat-
kon Bazaar
and the firing
there.

6 a.m., 2nd
August. The
firing in the
Yenang-
yaung
Bazaar.

When daylight broke on the morning of the 2nd of August interest shifted to Yenangyaung proper. It appears that there was an outbreak of looting and rioting in or near the Yenangyaung Bazaar, news of which first reached the Sub-Inspector of Police, Saw Maung Than, who was on patrol duty near the Modern Stores. He saw several people running away from the direction of the bazaar and ascertained from them that rioting had broken out. Shortly after this the Warden arrived from Lethmatkon and was informed of what was happening. He collected four military police and two civil police and took them together with Sub-Inspector of Police, Saw Maung Than, in a vanette to the bazaar. These military police had been on guard all night over the Modern Stores where there were stocks of ammunition and firearms and had, accordingly, their rifles ready loaded. But the Warden had no reason to know this. When this party reached the south-east corner of the bazaar, they saw a big crowd near Hok Ton Sein's shop, opposite the bazaar enclosure. A number of young men were engaged in looting the small betel-leaf stalls near the entrance to the bazaar, two of whom were caught and arrested. At this moment a woman called Ma Mya Yi, the mother of one of these young men, began shouting at the police demanding the release of her son and the crowd came nearer joining in and shouting for the release of the arrested boys. The excitement increased and the crowd, which was armed with sticks, stones and bottles, began to assume a threatening aspect. They then began to throw stones. We have visited the place and have seen the very narrow and congested space in which all this happened. There is evidence that there was a crowd also on the verandah of Hok Ton Sein's tea-shop which was shouting with the rioters in the street in front. Only some thirty to forty feet separated the crowd from the police party when a stone hit one of the military policemen on the head. The Warden shouted to the crowd, gesticulated to try to make them disperse and repeatedly warned them that, if they did not disperse, they were liable to be fired upon. It is conceded by some of the members of the crowd who gave evidence to us that they saw his lips moving and his arm waving but they say they could not hear the words he actually spoke. There was undoubtedly considerable noise and confusion going on and it is not surprising that it was difficult for him to make himself heard. But we do not think there could have been any doubt in the mind of anyone as to what he actually was saying. The crowd continued to throw stones and began to press still closer on the very small police party. The Warden felt that the situation was becoming critical and that this small party might well be rushed, which was no more than the truth. He gave the order to load in English intending to follow it up *at once* with an order to fire. In the noise and confusion and in the critical situation in which they were placed, the military police sepoys mistook the Warden's order for an order to "fire." They were already loaded and the only logical action they could take on the Warden's order was to fire. In the circumstances, it is absolutely clear that this action cannot be considered unreasonable. They opened fire and fired seven rounds, after which the Warden ordered them to cease fire. The crowd dispersed and the police party collected the injured in order to take them to the Yenangyaung hospital. They found Maung Sein, who died on the spot where he was hit, on the steps in front of a tea-shop next door to Hok Ton Sein's tea-shop. Maung Tin was seriously wounded in the jaw and died on the following day in hospital. According to the

evidence of his father and friends, he had gone that morning to drink tea at Hok Ton Sein's shop and was hit while peacefully doing this. There is evidence, however, that Maung Tin was, in fact, the Secretary of the Youths' Improvement Society which had played a large part in fomenting trouble in Yenangyaung and that he had actually been leading the rioters that day and the day before. There is also evidence that a crowd had collected on the verandah of Hok Ton Sein's shop and was behaving in a manner indistinguishable from that of the rioters in the street in front. The other persons, Maung Mya Maung and Maung Kan Nyun, received lesser injuries and were taken to hospital for treatment.

It is clear from this narrative of events, that, while no order to "fire" was actually given by the Warden, the shooting was in every sense both legal and justifiable. The mistake, in our opinion, was a very natural one. We have ascertained that the military police sepoys had already loaded their rifles, when they were on picket duty, outside the Modern Stores. The order of the Warden was to do something they had already done and could not do again. There was a great deal of noise and considerable confusion and the police were hard pressed in a very narrow space. One of the members of the party had been actually hit with a stone and missiles were being thrown at them. The crowd was thoroughly dangerous. We cannot say whether the military police could hear the Warden well enough to know whether his order was an order to "fire" or, merely an order to "load." But, however that may be, we are satisfied that, in the circumstances, the military police had every reason for thinking that the only order the Warden could have been expected to give was an order to "fire" and that there was every excuse for their mistaking his order to "load" for the order which they naturally expected. The Warden himself has stated, in fact, that the situation was such that his order to "load" was merely a preliminary to an order to "fire" and that he would have followed up his order immediately with definite orders to "fire." His force, in the exceedingly confined space, was, we are satisfied, in imminent danger of being rushed and had his order actually been to "fire" it would clearly have been justified. Under section 128 of the Criminal Procedure Code it is necessary that the actual order should be given by a Magistrate or a Police Station Officer in order that force may legally be used to disperse an unlawful assembly. In so far, therefore, as the firing near the bazaar on the morning of the 2nd of August was in order to disperse an unlawful assembly, it was, by the merest technicality, illegal. But under section 100 of the Penal Code, this shooting was, in our opinion, amply justified under the general right of private defence. Had shooting not been resorted to, we have little doubt that the police party and the Warden would have been rushed and overwhelmed and might well have lost both their rifles and their lives. And if this had happened, there is no knowing what the indirect consequences might have been.

This firing, though a technical mistake was made, was justified.

At about 5 p.m. on the 2nd of August, news was received that there was a crowd of two to three hundred persons threatening *Kaka* shops in Beme. A police party consisting of about five civil police constables and seven military policemen went at once to deal with the situation. The Assistant Superintendent of Police (Mr. Lilley),

2 p.m., 2nd August.
Bayonet incident in the Beme chawng.

Sergeant Phillips, Captain Hirst and the Headquarters Magistrate, Magwe, accompanied the party, which seems to have been exceptionally well favoured with senior officers. They found a large crowd of Burmans in the *chaung* and a number of Indians sitting on a hill above watching them. The police tried to get the crowd to disperse. Some went but others remained and the Assistant Superintendent of Police asked Captain Hirst to take action to disperse them with his military police. Captain Hirst divided his men into two parties, one to disperse the Burmans in the *chaung* and the other to disperse the Indians on the hill. The military police dispersed the two crowds without great difficulty and then returned to the vanette in which the party had come. There, rather to everybody's surprise, they found a Burman who complained that he had been wounded with a bayonet. He had a very slight wound in his back an inch and a half or two inches long and not more than a quarter of an inch deep. The man was taken to hospital, where he remained for about five days. No actual complaint has been received by us with regard to this incident and we do not feel called upon to make any very exhaustive investigation or to come to a definite finding as to how the wound was inflicted. But we have examined the case and it has not been possible to find out which of the military police actually inflicted the wound. There is a suggestion that it was inflicted in self-defence against some Burman who would not move and turned upon the police party. There is no evidence, however, to support that. On the other hand, it has also been stated by a witness whose opinion in such matters is entitled to respect that a wound of this kind could not possibly have been inflicted by a deliberate thrust. We cannot but feel that the prod—it was little more—was more probably administered to hurry up an obstructive or reluctant member of the crowd. The incident, though not to be approved of, does not appear to us to be of great importance.

8-30 p.m.,
2nd August.
The firing in
the Obo
Quarter.

At about 8-30 p.m. that day the fire alarm was sounded in Obo Quarter, because, according to the story we have been told by the Burmese villagers, reports had been received that a *pongyi-kyaung* was being stoned. This may or may not have been the case. But it is well to remember that the sounding of the fire alarm was in many places no more than a pre-arranged signal for the beginning of rioting and looting⁽¹⁾ by the lawless members of the community and also that this signal had in fact preceded some of the other outbreaks of looting in Yenangaung and elsewhere. Throughout our tour we have come across these local fire brigades. Some of them, no doubt, are genuine. But we have every reason to think a number of them contain young men who during the riots used their position as members of the fire brigade merely to enable them to riot with safety. We are satisfied too that a number of these organizations are political in character. Members of the fire brigade in Obo, and others too, we have no doubt, answered the call, for we are told that there was also an arrangement whereby residents of Myadaung across the main road from Obo should answer any alarm sounded and give their help, although they were not members of the fire brigade. This in itself is very suspicious and sounds to us far more like the collection of a crowd than the "falling in" of a fire brigade. It appears that in this way a very considerable crowd gathered

(1) See page 114.

near the Myadaung *Kyaung* and the junction of the Obo Road with the main road and there can be no doubt that many persons in this crowd were armed with sticks and *dahs*. It is impossible to suppose that Burmans, venturing out on a dark night in answer to an alarm in a town already so disturbed as was Yenangyaung during the riots, would do so without taking the precaution of arming themselves with some weapon, even if they really were of a peaceful disposition. But, as suggested above, there are good grounds for suspecting that their intentions were not so peaceful as they would have had us suppose. In any case the alarm was ostensibly one of fire and it is difficult to believe that, if this was a genuine mobilization of the fire brigade, they should have brought none of their equipment with them, such as *dahs* to cut away burning parts of a house or sticks to help to beat out the fire. A search was made round the *pongny-kyaung* for stone throwers but none were found. The crowd was, therefore, according to the elders and leaders of the fire brigade, directed by them to go home.

In the meantime the Circle Inspector of Police, Yenangyaung, rang up the Yenangyaung Police-station to say that there was a disturbance in Obo and that rioting and looting appeared to be taking place. Those on duty in the police-station heard the noise of the commotion themselves, Obo not being very far from the police-station. The Subdivisional Police Officer (Mr. H. M. Lilley), Captain Hirst of the Military Police and the Headquarters Magistrate from Magwe (U Tet Toe), who had been sent to Yenangyaung on riot duty, were on duty at the police-station. They immediately set out for Obo with ten military police armed with rifles and ten civil police armed with *lathis* in three vanettes, one of which had a search-light. When this party arrived near the junction of the Obo Road with the main road, they saw a party of twenty to thirty men, armed with *dahs* and sticks, moving towards the south along the main road in the same direction as the police party. This party was in fact the Myadaung villagers who had turned out in response to the alleged "fire alarm", returning to Myadaung Quarter. The cars drew level with the crowd, which was moving more or less in file, and stopped. The police party got out and the Headquarters Magistrate ordered the crowd to stop and sit down but it did not obey. They adopted a menacing attitude. At this moment the search-light temporarily failed. The Subdivisional Police Officer saw a Burman advancing upon him and came to the conclusion that the crowd was about to attack the police party under cover of darkness and he fired a shot from his revolver. Thereupon, the crowd, or some of it, ran away along the road and down the bank. The Subdivisional Police Officer chased them and caught and arrested one man, named Maung Khin, armed with a *dashe* and another Burman was also arrested with a *dah* in his possession. In the meantime, Captain Hirst, who tried to stop some of the crowd, was attacked and hit on the left arm with a stick, which shows as clearly as possible that the Subdivisional Police Officer's fears that the crowd was about to attack were well-founded. Captain Hirst knocked his assailant down the bank and then went down himself with a few military police to catch him. There was a fight at the bottom of the bank and one of the military police, seeing two Burmans advance to attack him, fired at a distance of about three or four yards but hit no one. After that the crowd dispersed. The two men arrested were put into the cars and a search

was made for injured persons. Maung E Maung, who had been wounded by one of the shots fired, had, however, crawled behind a hedge and was not found. The police party then went into Obo where Captain Hirst effected the arrest of another man and the party then returned to the police-station and made over the three persons arrested together with a stick and two *dahs* seized. Some of the elders, who had at once gone to the Warden and reported that shooting had taken place, heard on their way back that Maung E Maung had by then been found. They took him in their car to the civil hospital where he died the following day from the effects of the wound received in this incident. We have taken a considerable amount of evidence relating to this incident and are satisfied that the shots fired were in self-defence and were legally justified.

10-30 p.m.
2nd August.
The firing at
the B.O.C.
School,
Myenikin.

At about 10-25 p.m. on the 2nd of August the sound of a commotion was heard by those in the Lethmatkon Police-station coming from the direction of the B.O.C. School in Myenikin. This was the school in which many Indian refugees had been placed. In this case too, the alarm was also being sounded from the direction of the school by the striking of iron pipes and rods. Sergeant Phillips and U Ba Thein, the Fourth Additional Magistrate, who were on duty at Lethmatkon Police Station, went at once to the school with about twenty civil police constables armed with muskets. On arriving at the compound, the police party, with Sergeant Phillips and the Fourth Additional Magistrate, heard the sound of crowds on all sides of them. They divided the police in two and U Ba Thein took one party by the east side of the school to deal with the crowd approaching from the south, while Sergeant Phillips went around the west side to deal with the crowd approaching from the north. He managed to disperse that crowd without using force. The Fourth Additional Magistrate saw a crowd of about a hundred people coming out of a small side lane in the direction of the school, at a point where there is a Mosque at the junction of the lane with the road. Some were armed with *dahs*, spears and sticks, some were carrying torches and a good many of them were drunk. The Magistrate called out four or five times to them to stop and go back but they paid no attention and continued to advance on the police party. When the crowd came to within forty or fifty yards, the Fourth Additional Magistrate gave the order to fire and two of his police constables fired one shot each. The Magistrate has expressed the view to us that, if there had been no shooting, the Indian refugees in the school would probably have been attacked and killed and the police themselves might have been overwhelmed. We think, upon the evidence, that that was a reasonable course to take. After the shooting, which was heard by Sergeant Phillips on the other side of the building, the police party searched for casualties but could find none. They got information, however, that four persons had been hit and eventually three were traced. They were Maung Than Kyi, Maung Than Maung and Maung Thein Maung. We have considered the circumstances in which this shooting took place very carefully and are satisfied that it was legally justified both under the Criminal Procedure Code and under the Penal Code and was in no way in excess of what was necessary in the circumstances. To have abstained from shooting on this occasion would have been an error of judgment and a failure of duty and might have had disastrous consequences.

After this incident there was no more serious trouble anywhere in Yenangyaung, although there were many minor incidents. We have not attempted in this account of events in Yenangyaung to record all details or to deal with all minor occurrences. But all the major incidents have been noticed and discussed by us and, in so doing, we have taken into consideration all those events concerning which we have received specific complaints or representations from any section of the public, with the solitary exception of a representation received from one Lal Chand Sharma which we shall now deal with briefly.

No more trouble in Yenangyaung after this.

Lal Chand Sharma owns a shop on the main road from Nyaungghla to Yenangyaung. It is near the bazaar and is known as the "New Delta Trading Co." He deals chiefly in footwear. Lal Chand Sharma says that, having closed his shop at noon on the 1st of August, he came back on the following morning at 7 a.m. and found that his shop had been broken into at 8 p.m. on the previous evening. Lachmi Chand, a jeweller, who lives diagonally opposite to the "New Delta Trading Co.", has told us that at about midnight he saw ten or twelve policemen enter the Company's shop, which we gather had by that time already been attacked and broken open, and come out again about an hour later with looted goods. He could not see what these goods were nor can he identify the police. He knows only that they were in police uniform and carried torches in their hands. Lal Chand Sharma himself returned at 7 a.m. and says that looting was still going on at that time. He says there were four policemen standing in front of his shop doing nothing, although they were armed with sticks. There was no officer of police present at the spot but about a hundred and fifty yards away there was a Burman Sub-Inspector whose name he does not know. He asked him to stop the looting that was still going on in his shop but the Sub-Inspector would do nothing for him. By about 11 a.m., when he went again to his shop, he found that the looting had ceased. Another Indian witness says that he came back from Nyaungghla at 3 or 3-30 p.m. after having taken his family to safety there earlier that day and saw looting still going on at the "New Delta Trading Company's" shop. We are far from satisfied as to what actually took place with regard to Lal Chand Sharma's shop. The Assistant Superintendent of Police, Yenangyaung, has made an inquiry into these allegations and his finding is that the shop, having been broken open on the afternoon or evening of the 1st of August, had been so thoroughly looted that there was nothing left for looters to be interested in on the morning of the 2nd, when Lal Chand Sharma says he saw looting still going on. That is to our minds a little unconvincing. The Assistant Superintendent of Police has not been able to ascertain which Sub-Inspector it was that Lal Chand Sharma claims to have approached on that morning with a request for assistance. Sub-Inspector Salig Ram has given evidence that, about 9 or 10 p.m. on the 1st of August, he found this shop being looted and made a number of arrests of looters and, having done this, he says he fastened the door of the shop with wire. He also says that he passed the shop at 7 a.m. the next morning and found the door still closed with the wire fastening intact and no looting going on. We can do no more than to say that we are unable to find any evidence upon which we can attach

Allegations made by Lal Chand Sharma.

to any particular policeman or policemen the conduct of which Lal Chand complains and we must, perforce, leave the matter in that rather unsatisfactory state.

Thonze-
chauk. 2nd
August.

There was one incident at a village called Thonzechauk four or five miles out of Yenangyaung which we feel we should notice. One S. W. Chowdury, a Hindu, had a shop in this village and he alleges that on the 2nd of August there was a disturbance in the course of which his shop was attacked by Burman looters. Chowdury alleges that the village headman was with the crowd of looters and refused to give him and his people any shelter as they were Indians. He told Chowdury to leave his shop and go away into the jungle, if he valued his safety. Chowdury took his family with him and went off to a field hut some distance from the village. But he alleges that the village headman sent a man to follow them to see where they were going and that that night about forty-five persons attacked the field hut in which he and his family were concealed. In the course of this attack his elder brother was killed and he was also assaulted himself but managed to escape. His family does not appear to have been attacked nor injured. He says that the value of the property looted from his shop was Rs. 1,400. His uncle, S. C. Dutta also had a shop in Thonzechauk which was also looted on that day. S. C. Dutta has been missing ever since the riots and the police have still been unable to find any traces of him. The inference we are invited to draw from this episode is, of course, that Chowdury was attacked in the field hut with the connivance of the headman. It is a mere allegation and we cannot possibly say that it has been "proved" before us. We mention it only because it is an outstanding example of many such allegations that have been made up and down the country.

Review.

We have tried to set out the principal events and the framework of the occurrences at Yenangyaung. It remains now to review the allegations and representations we have received and to make our comments on them, if we have not already done so in the course of our narrative. The allegations fall naturally enough into two groups, one consisting of allegations that the police and magistracy exceeded their powers in dealing with the disturbances and the other consisting of allegations that they did not use their powers as they were in duty bound to do.

Allegations
of excesses.

We have received four allegations of excesses. These relate to the four occasions upon which shooting had to be resorted to in Yenangyaung. These were the Lethmatkon Bazaar shooting, the Yenangyaung Bazaar shooting, the Obo Quarter shooting and the Myenikin School shooting. The first three of these incidents were mentioned by U Pu, M.H.R., in the course of a speech in the House of Representatives during the last session of the House as instances of "indiscriminate shooting of innocent and law abiding citizens like dogs without any sufficient warning or reason and without any real necessity." We have recounted the events of these four incidents and have discussed them at pages 124, 126, 128 and 129 of this report. We hold without hesitation that shooting was legally justified in each of these four incidents and that in no case was it in excess of what was necessary

and proper. We have difficulty in appreciating how these allegations could have been conscientiously made in the House of Representatives if any unprejudiced inquiry had been made into the actual facts.

We have received three specific allegations relating to particular cases in which there is supposed to have been failure on the part of the police and magistracy to do their duty. The first of these cases is that of the Obo Mosque burning. The second is that of Maqsud. The third is that of Lal Chand Sharma, in which it is alleged that the police not only failed to prevent or stop looting at the "New Delta Trading Co's." shop but actually took part in the looting themselves. We have discussed these incidents fully at pages 120, 124 and 130 of this report. We are fully satisfied with regard to the case of the Obo Mosque and that of Mr. Maqsud that the police did all that was humanly possible, having regard to the prevailing circumstances, the force at their disposal and the calls made upon them from all sides. We are not so fully satisfied as to what happened with regard to Lal Chand Sharma's case but we cannot find any breach of duty proved against any particular police officer.

**Allegations
of failure.**

We have received two allegations from representatives of the Indian community, Messrs. Talukdar, M.H.R. and Labh Singh, which refer, not to particular incidents, but to the general failure of the forces of law and order. Mr. Talukdar, M.H.R., in a speech in the House of Representatives alleged that the police and headmen of Yenangyaung not only failed to prevent looting but took an active part in the promotion of rioting and looting. He was asked by us whether he would be willing to appear before the Committee and replied expressing his willingness to do so. Eventually, however, he addressed the Committee and said that he had decided to merge his representation in the general presentation of the Indian case. The witnesses cited by Mr. Talukdar were produced before us and examined. With the possible exception of Lal Chand Sharma's case, we have no evidence of the police taking any part whatever in rioting and looting and to this extent the allegations of Mr. Talukdar are not substantiated. We have found a very prevalent belief that headman did take a part in the disturbances. We have no evidence upon which to come to a finding in the matter in Yenangyaung but we understand that the civil authorities have enquiries on foot to investigate this allegation and take such action as may seem necessary. Mr. Labh Singh has advanced a charge of general unpreparedness and want of foresight on the part of the police. We are quite satisfied that this charge is an injustice to the police and civil authorities of Yenangyaung. Preparations in Yenangyaung were similar in every way to those in Chauk which are held up to admiration by Mr. Labh Singh. The District Superintendent of Police was present in person in Yenangyaung as soon as trouble was apprehended. He was in close and continual touch with the Sub-divisional Magistrate and the Warden. At the first outbreak of trouble on the 31st July he and the Subdivisional Magistrate were immediately on the spot with civil and military police and immediately suppressed the trouble. On the contrary, one of the things that has impressed us more than another is that the District Superintendent of Police had, before the outbreak of any trouble, formed a definite plan for dealing with any

**Representations from
Mr. Talukdar, M.H.R.,
and
Mr. Labh Singh.**

disturbance in Yenangyaung. It was in no way his fault that he was called away to Taungdwingyi⁽¹⁾ on a wild goose chase on the 1st of August and was not himself present when the first signs of rioting occurred.

The breakdown in summoning the military police on the 1st of August.

It seems to us, however, that on the afternoon of the 1st of August there was a slight breakdown. Trouble broke out that afternoon in much the same way as on the previous afternoon but it was rather more serious. The Warden and the Subdivisional Magistrate were quickly on the spot. But when the message was sent calling out the military police it miscarried, and it took a whole hour for them to reach the Warden and his party, who were in considerable difficulties in the bazaar area and had eventually to beat a retreat in the face of superior forces. We think that, if the military police had come within five minutes of being called—and there is no reason why they should not have been obtained within that time—the trouble might quite well have been suppressed again as quickly and as effectively as on the previous afternoon. We have paid some attention to this matter of the failure to deliver the Warden's message quickly and we have already explained what happened as far as we have been able to discover. We are satisfied, however, that there was a definite breakdown of the organization at this point. A telephone has now been installed in the military police lines which will avoid any repetition of the trouble. We think it a great pity that this elementary precaution had not been taken beforehand. We cannot attach blame to individuals but there was a flaw in the system.

The absence of the District Superintendent of Police.

This leads us to the consideration of an important point without discussing which we feel that this narrative of events at Yenangyaung would be incomplete. The opinion has been expressed to us on all hands that had the District Superintendent of Police himself been at Yenangyaung on the 1st of August, the military police would have been called out more promptly and the disturbance in the bazaar suppressed more quickly than was the case. It is suggested that, had this been done, a great deal of what happened upon the following day might have been avoided. We do not ourselves think that, in the conditions which prevailed at Yenangyaung, the events which happened on the 2nd of August were likely to have been much affected by anything that happened in the bazaar on the previous day. We have already explained in that part of our report which deals with Taungdwingyi the exact circumstances in which the District Superintendent of Police was summoned at a moment's notice to go to Taungdwingyi at 1 o'clock on the 1st of August. As events turned out, it was most unfortunate both because he could not arrive at Taungdwingyi in time to prevent the disorders there and because the moment he left Yenangyaung the trouble started. But it would be most unfair to blame him in any way for taking the decision he took. In the circumstances it was right. He had made the best dispositions he could at Yenangyaung and he left matters in the very capable hands of the Warden who stepped into the breach. In the circumstances this decision was unfortunate but unavoidable and, if it points to anything, it points to the understaffing of Yenangyaung with senior police officers. It would be intolerable for the District Superintendent of Police to be blamed in any way for the decision he took.

(1) See page 110.

We cannot conclude this passage in our report without a reference to the Warden, Mr. Atkinson, himself. This officer was called upon at a moment's notice to take upon himself the entire responsibility for the safety of Yenangyaung. It is no overstatement to say that he shouldered it magnificently. Throughout the 1st of August and the succeeding days he was tireless in his efforts to suppress the disturbance and he cannot have failed, by the personal example of energy and courage be set to the police officers and the policemen who had the good fortune to be led by him, to have exercised a profound influence in confining the disorders in Yenangyaung to those which actually occurred. We cannot speak too highly of the way this officer behaved. And we cannot in justice overlook the services of Mr. Bestall, the District Superintendent of Police, himself, who did everything that was possible. On the whole, the situation at Yenangyaung and Chaung were capably and well handled and these two officers share between them no little credit for that.

The Warden.

Pakokku.

The trouble began in Pakokku Town on the 1st of August with a meeting held at the Shwegu *Kyaungdaik* in the middle of the day, followed at about 5 p.m. by a procession of about two hundred and fifty persons, composed of some two hundred *pongyis* and about fifty laymen. The crowd was armed with *dahs* and sticks. An Indian was cut on the way and lost his thumb and two Kaka shops were destroyed. The police arrived within a short time of the outbreak. The Court Prosecuting Inspector arrived on the scene and a large number of persons were disarmed. Another crowd of a hundred Burmans, mostly armed with sticks, also approached the bazaar. This was dispersed. Two arrests were made. Orders were then promulgated under section 144 of the Criminal Procedure Code prohibiting the assembly of five or more persons and the carrying of arms. According to some witnesses this order was not issued until 9 p.m. and people were not sufficiently informed of it. This is alleged with reference to what happened on the 2nd of August 1938, to which we shall come a little later. Beside the affray in the bazaar, a weaving factory on the western outskirts of the town was damaged by a mob of Burmans and *pongyis* at about 8 p.m. and bales of cotton and woven stuff were set alight. The Police arrived within a short time and dispersed the crowd and put out the fire. A Kaka shop near the factory was looted and a number of Indian houses were stoned, the two worst cases being the houses of a Muslim duftry near the Ashe *Kyaungdaik* and that of the Hindu agent of the Nath Singh Oil Company.

1st August.
Beginning of
trouble.

Order under
section 144.

Attack on the
weaving
factory.

On the 2nd of August the town was fairly quiet. Mounted Police patrolled the affected area round the bazaar and groups of more than five were broken up. There was news of a proposed mass meeting at one of the *Kyaungdaiks* but this was postponed and actually took place on the 3rd of August. We have listened to a number of complaints that mounted police made charges upon peaceful citizens and that persons going about their normal business, such as marketing, were molested. It is said that people who came to the bazaar were not aware of the order under section 144, Criminal Procedure Code, and thus suffered for their ignorance. We are convinced that there is no substance in

2nd August.
Town fairly
quiet.

Breaking up
of crowds by
Mounted
Police.

these allegations. The Police activity in breaking up crowds was, no doubt, resented; but it certainly cannot be regarded as improper in view of the dangerous situation that was developing. News was received that preparations were being made for a general and widespread disturbance on the 3rd of August and it was learnt that Mosques would be the centre of the attack. The authorities were informed that tattooing was going on in the Anauk *kyaung* and possibly in other places. The District Superintendent of Police decided to make a sudden search of this particular *kyaung*, which he carried out on the 3rd of August. This led to a good deal of trouble.

3rd August.
The search of
the *kyaung* in
the Mandalay
Kyaungdaik.

On the 3rd of August, early in the morning, a police party composed of the District Superintendent of Police, the Police Headquarters Assistant, the Assistant Superintendent of Police, the Subdivisional Officer, a pleader, U Ba Htay, the *thugyi* of the quarter and a force of civil and military police surrounded a *kyaung* in the Mandalay *Kyaungdaik*. Military policemen with fixed bayonets were first posted all round the *kyaung*. The District Superintendent of Police asked to see the *Sayadaw* but was told that he could not do so. He then interviewed the *Kyaung-Ok* or the *Taik-Ok*, an assistant of the *Sayadaw*. The *Kyaung-Ok* objected to the party coming into the compound with their boots on. It was pointed out that police officers in uniform were permitted to do so. The District Superintendent of Police then asked for permission to search the *Kyaung* for tattooed persons and implements of tattooing. The permission was given on condition that persons *actually entering the building of the monastery* should remove their footwear. The District Superintendent of Police agreed to this and, in order not to offend the susceptibilities of the monks, permitted the Headquarters Assistant (a Burman Buddhist) to remove his boots. The Subdivisional Officer, U Ba Htay, and one or two others went into the *Kyaung* itself, all of them with bare feet, whilst the District Superintendent of Police himself, the Assistant Superintendent of Police and the Police Station Officer and all others remained behind in the compound. We particularly desire, in view of the use that has been made of the incident, to say that these facts have been proved before us. The Headquarters Assistant of Police then asked to be permitted to see the *pongyis* and about two hundred of them walked past the search party, with their upper robe off, to enable the Headquarters Assistant to inspect their shoulders for fresh tattoo marks. The whole episode took about ten minutes. No tattoo marks were actually discovered. We are assured, and we see no reason to doubt it, that no objection was at the time taken to the search. We have set out the incident at some length as it has been exaggerated to the proportions of a serious grievance and an instance of 'police excess.' It was exploited to rouse a considerable amount of feeling amongst Burman Buddhists in Pakokku and to some extent all over the country. This search was portrayed as a gross desecration of a religious building and an insult to the *Sangha* and to the Buddhist religion. Echoes of it reached Rangoon and the Hon'ble Minister for Home Affairs was led thereby to send telegraphic instructions amounting to an order that *pongyi kyaungs* should not be searched.

We propose to examine in the light of the facts set out above the allegations regarding the search which gained currency and caused such excitement. It was alleged before us, and no doubt commonly

believed⁽¹⁾, that the police had offered an affront to the feelings of the *pongys* by effecting a forcible entry into the *Kyaung* at the point of the bayonet; that the whole party went into the *Kyaung* with their boots on and searched the *Kyaung* without permission; that robes were stripped off the backs of the *pongys* by the police and that they were searched. Every incident of the search is distorted so as to make it more offensive to Buddhists. No independent witnesses who saw the search came before us to justify the contention that the search was improperly conducted. It would have been of great assistance to us if the *Sayadaw* or the *Taik-Ok* had come to tell us what had actually happened. But, instead, we had retailed to us vague allegations purely on hearsay. We realize that a search of a *pongyi kyaung* may cause resentment to the monks as it casts a reflection on the character of at least some of the residents. They may well feel that they are suspected of offences of which they may be innocent. In this case nothing was found. We have received the explanation from the District Superintendent of Police and are quite satisfied that the information which led him to make the search was *bona fide* information which he could not properly have shut his eyes to. Unfortunately, his informant made a mistake in the identity of the suspected *kyaung* itself. This particular *kyaungdaik* is presided over by a *Sayadaw*, who is famed for his piety and learning and is highly revered. Nevertheless, we feel bound to point to the other side of the picture. It must be appreciated that the authorities responsible for law and order are sometimes obliged to enter and search *kyaungs* and, provided that no unnecessary offence is given by the methods employed by the officers concerned, we can see no objection to it. If proper precautions are taken and searches are conducted with all possible courtesy and propriety, it should not give rise to any grievance. It is a matter of regret, but it can hardly be denied, that with the weakening of the authority of the *Sayadaws* undesirable characters are to be found in some *pongyi kyaungs*. We do not wish to say that *kyaungs* of this type are common or in the majority. There are no doubt a large number of *kyaungs* which are put to their legitimate use of providing residence and places of learning for good *pongys* who are respected not only by Buddhists but by all who come in contact with them. They are the true results of Buddha's teachings and are entirely a good influence. On the other hand, there are *upazuns* who, unfortunately, do not adhere strictly to the laws governing their conduct. *Pongys* leading crowds and committing serious offences and *pongys* carrying weapons entirely unsuitable to their robes, have unhappily been a commonplace of our inquiry. In the circumstances those who are responsible for keeping order must necessarily be given a discretion and authority to enter and search *kyaungs* for the *bona fide* purpose of detecting and apprehending criminals and preserving order. Indeed, in the case under consideration the later facts show that the *Sayadaw* himself did not take any real offence, once matters were explained to him. As we have already said the *kyaung* actually searched was searched by mistake. It was due to a confusion of names because there are two *kyaungs* in the Mandalay *Kyaungdaik* which had each come to be known as "*Anauk Kyaung*" or Western *Kyaung*.

(1) The danger of this sort of thing is the credulity with which it is accepted by the people. It has been noticeable throughout our inquiry. It is one of those reasons why the irresponsibility of the Press is so dangerous.

The effect of
the search,

After the search, the story of its having taken place became known to the people of Pakokku and we have no doubt lost nothing in the telling. The *Sayadaw* sent for some of the elders of the town and informed them of the search. He felt aggrieved that his *kyaung* should have been suspected of malpractices and he asked that representations should be made to the local authorities. The gentlemen sent for met the Deputy Commissioner and the District Superintendent of Police who explained to them that they were responsible for the good Government of the town and that they had acted according to law. The officers said they were prepared to express regret for the necessity of searching the *kyaung* and, accordingly, the Deputy Commissioner wrote a letter to the *Sayadaw* and handed it to one of the gentlemen who had come to interview him in the matter. We are told by one witness that the *Sayadaw* on receiving the letter was satisfied with the explanation. He is reported to have said, "Well, if they say so, we are followers of Buddha; therefore we must show toleration." The witness added that he made the report to the Deputy Commissioner "only to prevent recurrence of such things." There is another version of the reception of the letter which we must also set out. One witness ⁽¹⁾ says that when the *pongys* read the letter he said "They do not admit that they made a mistake but only express regret." The witness, therefore, told the *pongyi* that the officials were busy and that they would try and satisfy him later. That closed the incident.

Was the
search of the
kyaung a
cause of
disturbance
at Pakokku?

It has not been said in so many words but it has been left to be inferred by us that the cause of the disturbance on the 3rd of August was the search of the *kyaung*. We have come to the conclusion that this is not so for reasons which will appear later. The outstanding fact is that at no stage on the 3rd of August was the mob antagonistic to the police, their fury being entirely directed to attacks on Indians and particularly upon Muslims.

3rd August.
Serious
disturbances.

On this day a meeting was held at Shwegu *Kyaungdaik*. It was given out to be a religious meeting but later events showed it to be connected with the disturbances. We are told that decisions were taken to destroy Mosques and to make attacks on the Burmese Muslims of Pakokku. At about 4 p.m. large crowds began to collect in various spots in the centre of the town. They were composed of *pongyis* and laymen—both armed with *dahs*, sticks, iron rods and other weapons. We estimate the persons in the crowds to have been about two thousand. Having been warned, the police officers were drawn up near the Mosque and bazaar and at the gate of the U Mega *Kyaungdaik*. The District Superintendent of Police, who was moving about, was approached by a *pongyi* who told him that two *pongyis* had been imprisoned in the Bengali Mosque. The District Superintendent of Police then took with him the *pongyi* and U Tun Aye, a respectable Burmese gentleman and the electric licensee. The Mosque was closed from the inside as a number of Kakas, whose shops had been looted, had taken refuge there. The Mosque was opened at the order of the District Superintendent of Police and U Tun Aye and the *pongyi* went in. Nothing at all was found. Here we are met with two versions of what happened. The Indian witness who was inside the Mosque says that after the search the party asked that the back entrance might be opened, presumably

The attack at
the Bengali
Mosque and
the killing of
Indian
refugees.

¹ Pakokku witness No. 34.

in order to search the backyard but that immediately it was opened a large mob rushed in breaking the back fence and assaulted the Indians. On the other hand, the District Superintendent of Police states that a little interval elapsed between the search and the attack on the Mosque. However this may be, it is a fact that immediately after or while the search of the Mosque was going on an alarm of fire was raised from near the Ashe *Kyaungdaik* and the District Superintendent of Police hurried away there. This was followed by a commotion at the Mosque which he had just left. A large crowd led by *pongys* and armed with *dahs* broke through the back of the Mosque and assaulted the Indians who were inside. Some were wounded inside whilst others ran out chased by the crowd. Those who ran east were fortunate as they ran into a police party, except one who was cut down and killed on the road. An official witness has described this incident to us. He says, "first the door of the Mosque opened and five or six Indians ran out. Three or four of them ran towards me. They had wounds and were bleeding. I kept them with me. One ran north. He fell down and a *pongyi* came out of a house and stabbed him with a spear as he lay on the ground." Another of these Indians ran west and he was killed on the road running in front of the U Mega *Kyaungdaik*. This man, we are told, lay on the road until the next day, when his body was removed at about midday.

It was here that the shooting by the police took place. To be fair, it must be said that actually no complaint has been made before us regarding the justification for the shooting at the Mosque. It was a clear case of shooting in defence of lives and upon an unlawful assembly which was armed and actually rioting. The order to shoot was given by the Assistant Superintendent of Police, who says he called upon the mob to go away and warned them that they would be fired upon if they didn't. They failed to disperse. Therefore, he ordered his men to shoot. He had six men under him and two volleys were fired resulting in the death of two of the rioters. We need say very little as the facts speak for themselves. A large and dangerous crowd had to be dealt with by a small party of police and the only method they had available was to shoot. This firing was legally justified and was not in any way excessive. This seems also to be the opinion of the citizens, who do not complain of it.

The firing by the police.

Almost simultaneously, another party posted a little to the south under a police station officer was obliged to open fire upon a mob of over two thousand armed persons who threatened the party. Actually there were three large crowds almost encircling the police party which consisted of six constables with the Police Station Officer in charge. This officer says that when the Assistant Superintendent of Police ordered his men to fire on the crowd in the Mosque a crowd of about a thousand strong moved from the west. They were warned not to advance but to disperse. The crowd did not listen and continued advancing. When they were twenty-five yards away he ordered shooting to prevent them advancing further. Fifteen rounds were fired before the crowd turned away. A *dashe* had been thrown at the witness just before the order to fire was given. In this case the firing was legally justified and was in self-defence and was not excessive. With regard to this incident witnesses have come forward to complain

The second instance of firing.

that a number of innocent persons were shot. They say that when the alarm of fire was heard from the east, many persons came out of their houses and were shot. It is possible that some innocent persons may have received injuries by accident. But we are definitely of the opinion that large and menacing crowds had roamed round the police party since about 4 p.m. They appeared to be thoroughly out of hand and when they actually came into contact with the crowd attacking the Mosque, began to advance on the police party and failed to disperse when called upon to do so. They were warned but advanced in spite of the warning. It is, indeed, unfortunate if one or two innocent on-lookers suffered by it. One witness ⁽¹⁾ says he ran out on hearing the sound of the firing and was shot. Another ⁽²⁾ witness who was not hurt says "The police fired at the people who were looking on, on account of the alarm of fire." Another witness ⁽³⁾ says that people who were looking out of their doors were fired on. In all about twelve persons received injuries. There were no deaths.

Public misconception as to firing by police.

Here, as in other districts, a misconception prevails as to the right, and indeed the duty, of the police to open fire on rioting crowds. One witness ⁽⁴⁾ assures us that he is under the impression that only the Deputy Commissioner may order shooting. An official witness has stated that he saw the crowd moving about and heard them say that "the Subdivisional Officer has no power to fire. Nor has the Deputy Commissioner. It would take fifteen days to get martial law in force. Go on, attack." The impression prevails not only amongst the people but even in the minds of some of the police and of some civil officers that shooting may not be resorted to without specific orders from the Government. Needless to say the ordinary law confers ample powers on certain officers in this respect but we shall deal with this matter more fully elsewhere. But we draw attention to it here as it was very marked at Pakokku. It is a dangerous misconception and it is unfair to everyone that it should be allowed to remain.

Subsequent events.

These measures were effective to break up the large mobs. But smaller groups roamed about the town and many shops and private dwelling houses were looted and property destroyed. Stoning was also a feature. The police precautions on this night consisted of pickets at the four corners of the bazaar and a concentration to guard the Pauk road area and the civil station. The outlying parts of the town could not be provided for.

The shooting of Maung Tun Shein.

We regret to have to mention one further incident that took place on the 3rd of August. It relates to the shooting of a boy of about sixteen, named Maung Tun Shein. This lad is a member of the Thakin party and came forward to tell us the story of how he was shot at. He says that on the 3rd of August at about 4 p.m. he and a boy of the same age were returning from saying their prayers at the Boditaung Pagoda. As they got to the foot of the hill they heard policemen shout "Chase, chase." The boys ran away in fright. Then they saw a car come along the road near them and they were told to stop. Maung

(1) Pakokku witness No. 34.

(2) Pakokku witness No. 42.

(3) Pakokku witness No. 44.

(4) Pakokku witness No. 42.

Tun Shein stopped and he was shot at by the Sub-Inspector of Police, Maung Tint, the Police Station Officer, Pakokku. He says he was standing still. He received gun shot wounds on the right thigh and on the hip. He fell down when Maung Tint came up and says he was hit on the head with the barrel of the gun. He says he was kicked and struck by the officer with his fist. He and his friend, Maung Tun Shin, who had hidden himself behind a tamarind tree were caught and taken to the police station.

On hearing this story we felt that it was necessary to sift it to the bottom, for, if established, it was a case of unjustifiable action by a police officer. Therefore, of our own initiative we subpoenaed Maung Tun Shin ⁽¹⁾. He stated that a party of police and Indians were shouting "Chase, chase." There were many people about but he does not know who was being chased. He stated that he and his friend were not being chased. When the car came along he heard the gun fired. He did not hear the shout of "stop." There were people in front of the boys and there were some who were coming down from the hill after observing the fast. He goes on to say that a shouted order was given to "sit down" and then Maung Tun Shein was kicked. This witness was also kicked and hit on the chest. Another Burman ⁽²⁾ witness threw some light on this episode. He states that on the 3rd August 1938 the Indians suspected that their bullocks had been driven off to the jungle. The Indians chased the bullocks followed by the police. The witness was about a furlong behind when he heard a gun shot. A youth—Maung Tun Shein—was injured. He was brought to the hospital in a car.

Owing to the view we took of this incident we examined not only Maung Tun Shin but also Maung Tint, the Police Station Officer, and the owner of the car Mr. Wa Foon, the Resident Excise Officer. Maung Tint's version of this incident is that he was ordered by the District Superintendent of Police to go to Thabingyan Quarter where, it was reported, crowds were stoning Indian houses. He went there with eight police constables armed with muskets. In the quarter and the lanes in it he met a crowd of thirty or forty Burmans armed with *dahs* and spears. The crowd at the sight of the police ran towards the fields in the direction of the English cemetery. As he was running after them the crowd scattered. Then Mr. Wa Foon came along in his car and Maung Tint got into it to continue the chase. He was about eighty yards away from a bunch of them including Tun Shein and Tun Shin, when he and Wa Foon got out of the car. As he got near them the two lads turned on him and rushed towards him. Tun Shein was armed with a hammer and Tun Shin had a stick in his hand. Maung Tint says that he called upon the boys to stop but they came on and *in self-defence* he fired low towards the leg. Maung Tun Shein was hit and fell down. Tun Shin then ran away and hid behind a tree. He denies that he assaulted the boys in any other way. The hammer was produced before us. It was a heavy instrument as a lead band had been put round its handle. The following question was put to him:—

Q.—Was it necessary to shoot at a boy of sixteen with a hammer?

(1) Pakokku witness No. 36.

(2) Pakokku witness No. 48.

A.—I was tired. I did not know that he was only sixteen. Moreover, his party was scattered about.

Wa Foon, the Resident Excise Officer ⁽¹⁾ says that he first saw the boys when they were a hundred yards away. Maung Tun Shein walked quickly towards the car with the hammer. Maung Tint asked him to surrender the hammer but the boy came on and looked as if he was about to assault the party by throwing the hammer. Maung Tint then shot from the car. The boy did not fall down but after a little while he sat down. Then Maung Tint descended and arrested him. This witness had made a statement to the police before, which differs considerably from the present story. The previous story was more in accordance with Maung Tint's statement. This witness denies that the boys were assaulted in any other way. Maung Tint made a report of the incident to the District Superintendent of Police.

It only remains to set out the opinion of the District Superintendent of Police. He says that Maung Tint informed him of the matter. He was satisfied that the firing was justified. He adds that Maung Tint is a very good officer. He did good work during the riots. He is the best Sub-Inspector of Police at Pakokku. He is not a bully and is tactful.

From the nature of the injuries, which we have seen, there can be no doubt but that the boy was fired upon from behind. Both the injuries are the results of a gun fired from behind. The conclusion we have come to is that the boy was in the crowd of rioters which ran away and dispersed on the arrival of the police party. This boy was chased and the Sub-Inspector of Police shot at him in order to stop him and arrest him. It was also done, perhaps, to create an effect on the others who had dispersed into nearby fields and bushes. This, however, does not in our opinion justify the shooting. The fact to be noted is that the boy, even if advancing on the police, could not have been a serious danger to the officer in the car. In these circumstances we are of the opinion that the Sub-Inspector of Police Maung Tint went too far in acting as he did. The fact that this officer had been on duty continuously from the 1st of August, while it does not excuse it, may explain his action. He had been constantly patrolling the town and dealing with riotous mobs. As a matter of fact there is evidence that he was quite popular in the town. But owing to his having carried out his duties with determination, he became unpopular and as a result a dead set was made against him. A number of persons have brought forward frivolous complaints against this officer, such as that he kicked them and spoke to them roughly. These we do not believe. But as to the shooting of Maung Tun Shein, we consider that it should not have been done. We suggest that this matter must be enquired into departmentally when Maung Tint will have a better opportunity to clear himself and he may call witnesses in his defence. All we wish to say is that, in our opinion, there is a *prima facie* case for enquiry. We must not be understood to have come to a judicial finding in the matter as obviously we could not do so within the time at our disposal. No opportunity has been given to Maung Tint to cross-examine the boys. This, in fairness,

(1) Pakokku witness No. 51.

he is entitled to. We feel that both in the interests of the public and of this police officer the matter must be enquired into more fully ⁽¹⁾.

The disturbance in Pakokku subsided quickly. The only incidents after the 3rd of August were that, on the 5th of August stones were thrown on the conservancy cooly lines at 4 a.m. and that on the 7th of August stones were thrown on a mosque during the night. The rest of the district was quiet but some incidents took place at smaller towns and villages which may be briefly summarised.

At Lanywa a meeting of Burmans was held on the 31st of July at the Sudaungbyi Pagoda. On the 2nd and 3rd of August Indian shops and some Indians' houses were stoned. An unoccupied Indian house was burgled on the 4th of August. There were rumours of trouble but nothing more happened. Lanywa.

At Yenangyat there was a doubtful case of the stoning of an Indian house on the 2nd of August 1938. Yenangyat.

At Pauk the Mosque was burnt down on the 6th of August 1938. Pauk.

At Myitche the trouble was more serious. On the 3rd of August a Kaka shop was wrecked and a Muslim's house was burnt down. On the 6th of August a Hindu was murdered. Myitche.

The causes of the disturbance in this district were partly those which were general to the whole country and partly those which were purely local. These latter are frequently not so much "causes" as the first incidents of the trouble itself. The immediate causes which have operated with more or less force throughout the country provided by Maung Shwe Hpi's book, the exaggerated newspaper reports of the happenings in Rangoon and the press articles regarding, and the photographs of, alleged police excesses and assaults on *pongyis* had their effect at Pakokku from the 30th or 31st July 1938 when the newspapers arrived. But the district officers gave it as their opinion that, Pakokku being a place off the main route, these matters did not cause them much anxiety. They say that, if the place had been left to itself, nothing more than a meeting or two, would have taken place. Some Burmese elders are of the same opinion and say that Burmans and Muslims have lived at Pakokku in great amity. None of the witnesses who came before us have assigned specific reasons for the trouble. The report of the Deputy Commissioner says that the genesis of the trouble is not known with certainty. But it seems that Pakokku was visited by two *pongyis* from Mandalay who presumably roused the people by their propaganda. Moreover, some people came over from Nyaung-U, where trouble had broken out on the 31st July 1938, bringing rumours with them. It is suggested, and not entirely without reason, that there was probably some degree of preparation for the disturbance and some little organization. There can be no doubt that meetings were held on the 1st of August, that persons were found among those wounded by the police firing who had fresh tattoo marks and that Causes.

⁽¹⁾ We deliberately advised this officer not to call any evidence on his own behalf before us, lest he might thereby prejudice himself. And we gave him our assurance that, notwithstanding any view of ours, the matter was still at large.

the two Burmans who were shot dead while destroying the contents of the Bengali mosque were fully tattooed. It is difficult to hazard a definite opinion but we are inclined to take the view that, but for external influences, Pakokku might have escaped the disturbances. We, think, however, that there was a considerable element of *pongyis* in Pakokku, which had a good deal to do with the disturbance. On the whole, we take the view that much the same causes operated here as elsewhere, though the economic causes were less in evidence. It has been said in evidence that *pongyis* from Mandalay came to stir up the *pongyis* of Pakokku and that to some extent they succeeded. *Pongyis* took part in the rioting and some, at any rate, of them were tattooed. The incident of the searching of the *kyaung* in the Mandalay *kyaungdaik* was not itself a "cause" of the rioting, but the episode, which was in every way a proper one, was we think, assiduously used, by means of exaggeration and distortion, to provoke trouble both in Pakokku and elsewhere.

CHAPTER XIV.

The Sagaing and Shwebo Districts.

SHWEBO DISTRICT.

The Committee spent from the 27th to the 30th of December inclusive in the Shwebo District, during which time it visited Ye-U. The feature of the disturbances in the district was that they were widely scattered over many villages and, on that account, were the more difficult to control. It will be remembered that one of these villages is Myedu from which Maung Shwe Hpi produced his book. But, having regard to the reputation of the Shwebo District for contempt of law and order, we feel justified in saying that, notwithstanding the incidents that did occur, the disturbances in the district, at any rate during August and September ⁽¹⁾, were not so serious as, in all the circumstances, might have been anticipated and that such disturbances as there were, were on the whole, well handled by the civil and police authorities.

Visit to the district.

The first official news of the disturbances in Rangoon reached the district by a telegram from the Criminal Investigation Department, on the 27th of July addressed to the District Superintendent of Police, who was camping at Moksoogyon ⁽²⁾. It reached him on the 28th of July and he communicated the news to the Deputy Commissioner who was himself in camp at Wetlet ⁽³⁾.

The first news of the disturbances from Rangoon.

We do not propose to give a detailed history of the riots as they occurred at the various places scattered throughout the district, for our attention has, of necessity, had to be concentrated upon the district as a whole and upon the three places, Shwebo, Ye-U and Kabo, where the major controversial incidents occurred. We shall deal specially with these three places. In the other villages where trouble occurred it followed the usual course of the looting and burning of Muslim and Zerbadi shops and houses. For convenience, however, we set out, in a summarized and chronological form, the course which events took :—

General outline of the disturbance in the district as a whole.

Date.	Place.	Events.	Remarks.
July 30th ...	Shwebo Town ..	Stoning of Kaka shops.	
August 1st ...	Zigôn, Kanbalu, Township.	Stoning of Indian shops and houses.	
August 2nd ...	Ye-U ...	* Serious rioting and looting ⁽³⁾ .	* These events will be dealt with in more detail later.

⁽¹⁾ When we visited the District in December it was evident that unrest still prevailed and since then we have received reports, which we have been unable to verify, that certain of our Indian witnesses have been the object of reprisals.

⁽²⁾ Instances of officials being absent from their headquarters which might not have occurred had any warning been received by them in time.

⁽³⁾ For the meaning of these asterisks, see page 148.

Date.	Place.	Events.	Remarks.
August 3rd ...	Ye-U ...	* Serious rioting and looting.	* These events will be dealt with in more detail later.
August 3rd ...	Kin-U ...	Attacks on the Muslim School and Moulvi's house.	
August 3rd ...	Kyaukmyaung Village.	Attack on the Mosque	
August 3rd ...	* Ngayane Village	Do.	
August 4th ...	Shwebo Town ...	Slight stoning.	
August 4th ...	Mondaw Village ...	Mosque burnt and hut damaged.	
August 4th ...	Thayetkhaung Village.	Mosque damaged ...	Zerbadi village.
August 4th ...	* Chinmyitkyin Village.	Mosque damaged ...	Do.
August 4th ...	* Nyaungbinzeik Village.	Mosque and Indian houses damaged.	Do.
August 5th ...	* Tebobin Village...	Mosque, houses and cowshed burnt.	Do.
August 5th ...	* Kyigon Village ...	Mosque burnt ...	Do.
August 6th ...	Thayetkhaung Village.	Houses damaged ...	Do.
August 6th ...	* Thabutkon Village	Mosque and twenty-five houses burnt	Do.
August 7th ...	* Taga Village, Kin-U Township.	Six Indian houses burnt.	
August 8th ...	Kin-U ...	Two Muslims attacked, one killed and one injured	
August 8th ...	Zigôn ...	Attempt to loot Indian shops.	
August 8th ...	* Tangon ...	Three Zerbadi houses burnt.	
August 8th ...	* Myedu ...	Mosque damaged.	
August 9th ...	* Hmawdaw Village	Mosque damaged and one cowshed and huts burnt.	
August 10th ...	Ywetkyan Village	A <i>kyaung</i> burnt by Zerbadis.	
August 10th ...	* Wayonbok Village	Mosque attacked	
August 11th ...	* Halin Village ...	Indian house burnt and an Indian killed on canal bank.	

Date.	Place.	Events.	Remarks.
August 13th ...	Shwebo Town ...	Indian shops stoned. Considerable excitement during the evening which led to the firing incident in which Maung Ba Than was shot dead by the police.	It was on this night that orders were issued under section 144 of the Criminal Procedure Code forbidding the collection of four or more people. This and the shooting of Maung Ba Than are dealt with at length in this report.
August 13th ...	* Bawdigon Village	Six Indian houses burnt or demolished	
August 14th ...	Tindeinyan Village	Assault on an Indian.	* These events will be dealt with in more detail later.
August 14th ...	Kin-U Village ...	Indian house burnt.	
August 17th ...	* Kabo Village ...	A man named Maung Lu Ba was shot by the military police during the night.	This incident has been fully investigated by us and is dealt with later in the report.
August 19th ...	Ye-U ...	An alleged case of food poisoning occurred, in which a <i>koyin</i> fell ill after eating a guava presented to him by a Hindu. This led to a lot of trouble in Ye-U Town and during the night a godown, two huts and a cowshed were burnt and four Hindus were injured with <i>dahs</i> .	
August 20th ...	Do. ...	Indian house and a cowshed burnt.	
August 20th ...	* Magyidaw (one and a half miles from Ye-U).	Four Indian bamboo houses burnt.	
August 20th ...	* Satthe ...	Four Indian houses burnt.	
August 20th ...	Ohnebok Village (near).	Three Indian shepherds assaulted (one wounded).	
August 27th ...	Palaing Village ...	Indian bamboo hut damaged.	Negligible damage.
September 2nd	* Tangon Village...	Deserted Indian houses burnt.	Do.

A great many of these incidents are, of course, of a trifling character, though others of them are substantial. But they show the width of the disturbance throughout the district. We have, in addition to considerable evidence from both Shwebo and Ye-U Towns, received evidence from the victims at all those villages which we have marked with an asterisk in the table given above. The incidents themselves are of no particular interest as they are all more or less of the same kind—the burning, looting or damaging of houses by bands of Burmans, as often as not accompanied by *pongyis*. And their substantial complaints are the same as we have met with many times previously during our tour—complaints against the village *thugyis* who not only denied them protection but in many cases were foremost among the rioters themselves and against the police whose protection, it is alleged, was either non-existent or inadequate. With these, we shall deal in general later.

That is a general outline of the shape that the disturbances took in the district up till September. We will now deal with those places where it has been necessary for us to conduct detailed investigations.

Shwebo Town.

Quiet until
the 13th
August.

Shwebo Town is the headquarters of the district. Here, as in other places, we find the disturbance starting almost as soon as news and rumours reached it from Rangoon. It started on the 30th of July and tension prevailed until the 13th of August, when it threatened to flare up and become out of hand. But, on the whole, there was surprisingly little disturbance at Shwebo itself and we do not doubt that the fact that it remained as quiet as it did was due to the tactful handling of the situation by the Deputy Commissioner, U Sein Tin, and to the firm handling of it by the police, backed by the considerable force of military police which was available in the district. But for these circumstances, we do not doubt that the trouble would have been more serious than it was in Shwebo Town.

The *Pongyis*.

The most disquieting feature of Shwebo Town is that, as elsewhere in the district and particularly at Ye-U, the influence of the *pongyis* has been throughout, on the whole, on the side of disorder. We are told that the *pongyis* of Shwebo and of the Shwebo District are controlled by the *pongyis* of Mandalay with whom they are in close contact by correspondence and by visitors. While we do not doubt that there are good *pongyis*, as well as bad, in the Shwebo District, we regret to record that on the whole the *pongyis* of Shwebo, Ye-U and in the district generally must be held responsible for no little of the unrest which led to the disturbances there of July and August and still more for the organized opposition of a political character to law and order which has grown up since and at the time of our visit was acute. We regret that there is incontrovertible evidence that, at Ye-U and at other places, the rioters themselves were often led by armed *pongyis*. And it is beyond doubt that many of the *pongyis* of the district have, during November and December, done all they can to prevent the unrest caused by the riots subsiding and to convert the passions aroused by them into an organized opposition to law and order. Though we shall have to refer in Part III of our report to the part in

disturbances generally played by *pongyis*, we point out here that the official witnesses of this district consider that the *pongyis* played a considerable part in them.

The Shooting at Shwebo.

The important, and, indeed, the only actual, incident at Shwebo itself which we have had to deal with has been the shooting which took place on the 13th of August. We have dealt with this matter, and reached our conclusions upon it judicially, both in view of the importance of the incident itself and of the determined representation made to us that it constitutes an instance of a gross excess by a police officer. An inquest was opened on the 15th of August 1938 at the instance of the father of the man shot, in Criminal Miscellaneous Proceedings No. 7 of 1938 in the Court of the Fifth Additional Magistrate of Shwebo. This was concluded by the report of the Magistrate on the 3rd of October 1938 in which he found the police officer concerned to be blameless, which finding was confirmed by the District Magistrate on the 20th December 1938. The record of the evidence taken during the inquest has been available to us. But we have conducted our own investigation independently of that inquiry and we have the more readily done so because, so far as we can judge from his report, the former inquiry was not altogether satisfactory.

The 13th of August.

Before we deal with the facts of this case, we must say something about the Orders⁽¹⁾ under section 144 of the Criminal Procedure Code issued by the Deputy Commissioner of Shwebo, for they have a bearing not only upon this case, but also upon the Kabo case as well, which we shall have to deal with presently⁽²⁾. In pursuance of this section, the District Magistrate, having regard to the situation as he found it at Shwebo on the 13th of August on his return with the District Superintendent of Police from Sagaing where they had been in consultation with the Commissioner, promptly determined to issue an order prohibiting the gathering together of more than four persons within the limits of the Shwebo Municipality. We have no comment whatever to make upon the propriety of that order so far as concerns the necessity for it. That was a matter in the discretion of the District Magistrate and we have no reason to suppose that he did not exercise his discretion judicially and rightly in determining to issue the order. The order actually issued was in these terms :—

The District Magistrate's Orders under section 144 of the Criminal Procedure Code.

“ IN THE COURT OF THE DISTRICT MAGISTRATE, SHWEDO.

CURFEW ORDER UNDER SECTION 144, CRIMINAL PROCEDURE CODE.

Dated the 13th August 1938.

In exercise of the powers conferred by section 144 of the Code of Criminal Procedure, 1898, I, U Sein Tin, the District Magistrate, Shwebo, prohibit the gathering of more than 4 persons except in private

⁽¹⁾ A discussion of, and our conclusions upon, the possible misunderstanding of the use and effect of section 144 of the Criminal Procedure Code, will be found in Part III at page 267.

⁽²⁾ Page 154.

residences at any time throughout the day or night within the limits of the Shwebo Municipality. *Any gatherings of more than 4 persons are liable to be dispersed by force.*

All persons are hereby warned that orders have been given to the police to shoot any person found looting or killing⁽¹⁾.

This order shall remain in force for one month from date.

(Sd.) SEIN TIN,
District Magistrate, Shwebo.

Again, there can be no possible comment upon the order except as regards the lines in the italics which are ours. We think it right at the same time to draw attention to another order which the District Magistrate had already issued in the Kanbalu Township on the 9th of August 1938. It is not strictly relevant to the shooting case in Shwebo but it is relevant to the one at Kabo, which we shall have to deal with later on. It is also, relevant to illustrate the general misconception which, we think, existed, here at any rate, as to the effect of the disobedience of an order under section 144 of the Criminal Procedure Code. The form of the order issued in that case was as follows :—

“ IN THE COURT OF THE DISTRICT MAGISTRATE,
SHWEBO.

ORDER UNDER SECTION 144 OF THE CRIMINAL PROCEDURE CODE.

Dated the 9th August 1938.

In view of the disturbed state of the Kanbalu Township due to communal riots and in exercise of section 144 of the Criminal Procedure Code, I, U Sein Tin, District Magistrate, Shwebo, prohibit the gathering of more than 4 persons except in private residences in the Kanbalu Township between the hours of 7 p.m. and 6 a.m. without a permit signed by a Police Station Officer or Subdivisional Magistrate and I also prohibit all persons in the Kanbalu Township from moving at night outside their houses unless carrying a lighted torch or lantern. *All are informed that I have already given orders to the police to shoot at any person disobeying these orders⁽¹⁾.*

This order shall be in force till the 9th September 1938.

(Sd.) SEIN TIN,
District Magistrate, Shwebo.”

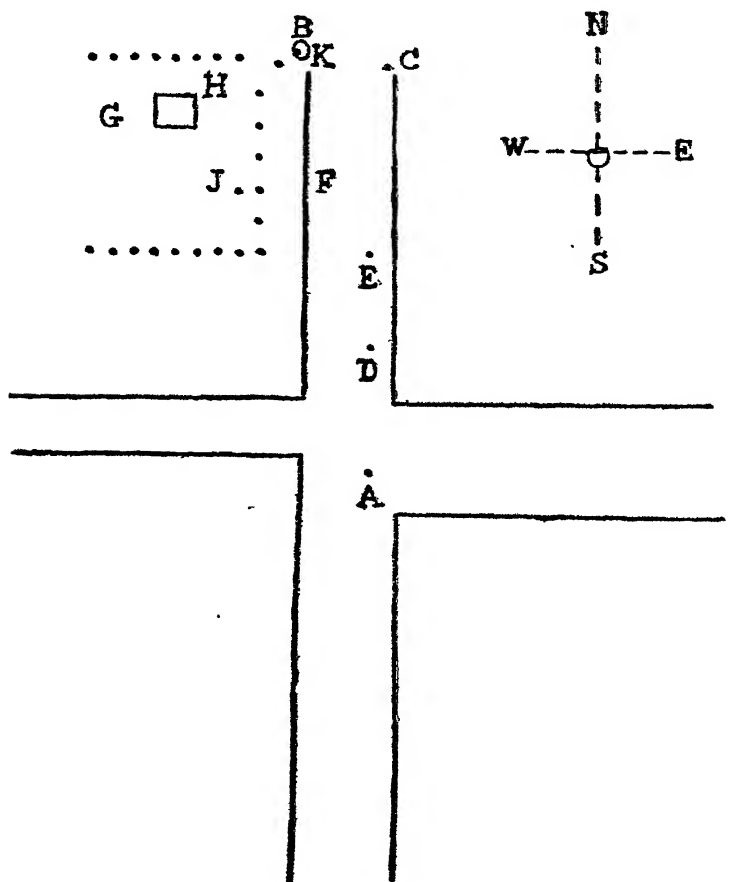
The Shwebo
shooting.

The facts of the Shwebo incident are that it took place at about 10 o'clock on the evening of the 13th of August. The order under section 144 of the Criminal Procedure Code had been issued that evening and it had been widely proclaimed throughout the town and in that particular part of the town where the incident occurred. It is

⁽¹⁾ The italics are ours.

quite clear that everyone knew of it and, indeed, all the Burmese witnesses who have given evidence before us have said that they were fully aware that, as they put it, "martial law" had been proclaimed. We find, throughout, that the passing of an order under section 144 of the Criminal Procedure Code is taken by the populace to denote the establishment of "martial law." We give below a small diagram, which is not to scale, of the scene of the occurrence. There was a road in the western outskirts of the town running north and south. It is joined by a lane from the west and by a road on the east. At the cross roads thus formed and at approximately point 'A', a police picket was posted consisting of a Sub-Inspector and six civil police. As things were very disturbed, the Police Station Officer, U Than Pe, went round in a motor-car shortly before 10 and distributed a few muskets to the civil constables at the post. While he was doing this, or shortly after, and while he was still there, a body of Burmans, ten in number are said to have approached up the road from the south. There is no controversy about this and we have heard nothing whatever to contradict the police evidence upon it. It must be taken as a fact that this body of ten persons did approach and that it was armed partly with *dahs* and partly with sticks. There can be no doubt that, so far as this southern party was concerned, they were an "unlawful" assembly in that they advanced upon the police post with *dahs* and other weapons. U Than Pe, the Police Station Officer, then fired two shots with a revolver to disperse them. No one was hit and the band forthwith dispersed. There is no controversy about all that and, indeed, all the Burmese witnesses who have given evidence before us against the police admit to having heard those two shots fired immediately, or very shortly, before the firing we are concerned with took place. Almost at once another party was seen to approach the police post—this time down the lane from the west. They too were armed partly with *dahs* and partly with sticks. As to this, too, there is no controversy. We are bound to accept these two incidents as being true because they are not contradicted in any way and, as to the first of them, it is confirmed by the fact that the two shots were distinctly heard. The importance of these incidents is to show the surrounding circumstances in which the actual incident with which we are concerned took place. We shall give the police version of what next happened. The Sub-Inspector of Police and his constables succeeded in dispersing the band which had approached up the lane from the west merely by pointing their muskets at them without firing. Almost as soon as they had dispersed, another body of Burmans was, according to the police, seen approaching down the road from the north. At point "B" there is a well. This body of Burmans was first seen by the police near the well. The police are positive that they had *dahs* and sticks. The police were in a position to see, because, not only was there a moon on this night, but also there is an electric light standard at point "C". The body of Burmans came on down the road. U Than Pe, the Police Station Officer, tells us that when he first saw them he shouted to them to go back and disperse. They still came on. The Police Station Officer shouted at them several times. Then, as they failed to stop, he advanced some few paces to point "D" and from there fired a single shot from his revolver at the approaching band. The Burmans with the exception of one

man ran away. That one man was seen to "stagger" some few paces and then fall on the verge of the road. The point from which the revolver was fired was point "D". The point at which the man was hit was point "E"; and the point at which, *according to the police*, he fell was point "F". Measurements are of great importance in this case. The distance from point "A" to point "K" is seventy yards. From "A" to "D" is ten yards. From "D" to "E" is approximately twenty yards. From "E" to "F" is about ten yards. And from "E" to "K" is between thirty-five and forty yards.



That is one side of the story. The other version, as told by the father of the man and his witnesses, is utterly and entirely different. We regret to say that there is no means of reconciling completely the two stories and we have the misfortune of having to conclude that one or other of the protagonists must have told us what is deliberately untrue. The shot man with his parents lived in the little house which is marked "G". The house with certain other houses is within the compound shown

on the marginal plan by a dotted line. The compound has two gates, a northern gate at point "H" near the well ("B") and a southern gate at point "J". The version of the affair given by U Kan Hla, the father, is that he heard two shots. Those shots quite evidently were the two shots fired by Maung Than Pe from the cross-roads at the band approaching from the south. He then says that his son, Maung Ba Thaw, the deceased man, went out from the house by himself to bathe at the well ("B"). He says that before Maung Ba Thaw reached the well he—the father—called him back in consequence of the two shots he heard. As Maung Ba Thaw turned, he is said to have been hit about an inch below the left eye by a bullet. It is then said that he was picked up by his brother, Maung Hla Gyaw, with the help of a friend, Maung Nyet, and carried into the house and there found to be dead.

It is fair to say that the father's story is supported by a number of neighbours, who say, not only that they saw Maung Ba Thaw go to the well, but some of them, that they saw him fall down at the spot "K" as he turned round. We have, therefore, two stories to choose between; the one is the story of the father to the effect that Maung Ba Thaw was a perfectly innocent villager going to perform his evening ablutions at the well and that he was shot from the neighbourhood of the cross roads by U Than Pe, either deliberately or recklessly and unnecessarily for the purpose of frightening him away. Neither the father nor the other villagers have gone so far as to say that they saw the revolver fired because the distance between point "K" and point "A" is upwards of seventy yards. But a number of them have gone so far as to say that, before the shot was fired, they heard someone shout "Hey, get in," and that the shout was immediately followed by the shot. The suggestion, of course, is that U Than Pe, seeing a figure in the distance, shouted to whoever it was to "get inside" and then wantonly fired his revolver in that direction. One witness goes so far as to say that he heard the Police Station Officer say, "I shall fire if anyone is seen shouting" and the same witness attributes to the Police Station Officer abusive language and the words "Don't spare anyone." This witness was the occupant of the house close to the corner where the police picket was and he purports to have been able, therefore, to overhear what was said by U Than Pe. Upon this version of the story, the neighbourhood at the time of the tragedy was perfectly peaceful, the boy went out to have his evening bath as if nothing was going on and he was shot in the course of it. The other version—the police version—is that a number of small bands of armed Burmans were threatening the police from several directions almost simultaneously, first from the south, then from the west and then from the north and that the boy was a member of one of these bands.

That, however, is not the whole story. For it is said that when the boy was picked up at point "K" there was upon the ground a pool of blood from the wound he had received. Naturally, at this distance of time, we have not been able to see the pool of blood. But, from the evidence, we are satisfied that there was a pool of blood at point "K" at any rate within a very short time after the incident. We feel bound to conclude that this was so from the evidence of the Second Additional Magistrate of Shwebo, U Hla Bu, who actually saw the pool of blood within a very short time after the occurrence took place. The Police

Station Officer himself, after firing the shots, went at once to report the matter to the Second Additional Magistrate, U Hla Bu, and the Headquarters Assistant of Police, U Ba Gun, and both of them went straight to the spot. U Hla Bu saw the pool of blood at point "K" and we feel bound, therefore, to conclude that it was, in fact, there. This is also confirmed by a certain Mr. Lashley, a Jailor, who saw it shortly afterwards. The injury which the deceased man sustained was a mortal one. He was struck by the revolver bullet about an inch under the left eye and it was eventually extracted from behind the right ear. It, accordingly, passed almost completely through his head. The medical evidence, which we find recorded in the inquest proceeding and which we have ourselves taken, leaves us in no doubt that a man who sustained such an injury as that could stagger only a very few yards. Indeed, according to the medical evidence, the probability is that he would have dropped almost where he was hit. At any rate, we must, upon the evidence take it as certain that he could not have moved far. Assuming, therefore, that the pool of blood was, as we have found it to be, at point "K", one of three consequences must follow. It may be that he was hit by the bullet at or within a few steps of point "K", in which case the police story is untrue. Or the pool of blood was not the blood of Maung Ba Thaw at all. We have no reason to suppose that it was not his blood. Or Maung Ba Thaw was hit by the bullet at point "E", as the police say he was, staggered to, and fell at, point "F" and was subsequently moved to point "K" where the pool of blood was found.

We have said that the place pointed out by Maung Than Pe as the place from which he had fired was point "D." This has not been disputed by the Burmese witnesses who do not purport to have seen where the shot was fired from. The distance between point "D" and point "K" is more than fifty-five yards and less than sixty yards. If, therefore, the medical evidence is to be relied upon, as it must be—it is quite impossible that the boy should have been hit at the point "E" and staggered as far as point "K", for that would require him to have moved nearly forty yards after being hit. That is impossible upon the medical evidence. We are confronted, therefore, with the position that, if the boy was hit and fell at or near point "K", the police story must be untrue.

We have examined the evidence of the Burmese witnesses, and the whole evidence, with the greatest care. In the first place, it has to be borne in mind what the surrounding circumstances were. We have already said that there had, a few minutes earlier, approached a band from the south. That this is true we are certain and it is nowhere contradicted. It is, indeed, confirmed by the fact that on all hands it is conceded that two shots were heard previously to the shot which killed Maung Ba Thaw. We see no reason to doubt the truth of the story that the attack from the south was followed by the attack from the west. That too is uncontradicted. Therefore, the surrounding circumstances in themselves point to the truth of the police story, to this extent at least, that the neighbourhood was disturbed at the time and that marauding bands of Burmans were going about. That in itself lends support to the story that another band approached from the north. On the other hand these circumstances tend to discredit

the story that all was peaceful, that nothing was happening in the road and that the young man in question went out to wash himself in the ordinary way as if nothing unusual was going on. It has also to be remembered that an hour or so earlier "martial law" had been proclaimed and cried through this very street. The whole setting, therefore, in which the affair took place tends rather to support the police story than that of those who say that the boy was shot while going to have a bath. The learned Magistrate who conducted the inquest has commented strongly upon the improbability of the boy in those circumstances having gone out to wash himself, as if nothing was happening. We ourselves see some force in that but we do not put it quite so high as the learned Magistrate has put it. We are, nevertheless, impressed with the fact that the existence of the armed crowds to the south and to the west lends colour to the story of the existence also of the crowd approaching from the north and to that extent the surrounding circumstances tend to support the police story.

The next point that strikes us is the evidence which we have which points to the fact that the story of Maung Ba Thaw having gone to the well to bathe was something of an afterthought, albeit thought of very shortly after the event took place. This really turns upon the evidence of Mr. Lashley who, as we have said, arrived very soon after the incident took place. He was on his way from the jail. He arrived at the corner at point "A" within a minute or two after the shot had been fired. He stopped and spoke to the Sub-Inspector of Police for three or four minutes. The Sub-Inspector gave him permission to go up the road to his own house which is a little way to the north of U Kan Hla's house. It has to be remembered that this was a few minutes after the shot was fired and that he stopped to speak to the Sub-Inspector of Police for three or four minutes. When he got as far as the well, the story is that he saw the body of Maung Ba Thaw lying there. He saw it carried into the house. If Mr. Lashley is to be believed, this is, of course, strong evidence that the body was in fact at that stage of the proceedings at point "K". But it must be appreciated that when Mr. Lashley saw the body at point "K" it must have been nearly ten minutes after the shot was fired, for he had not reached point "A" until a few minutes had elapsed after the firing and he had then spoken to the Sub-Inspector for about four minutes. From that point onwards there is a startling discrepancy between the evidence given by Mr. Lashley in the inquest proceedings and the evidence given by him to us. In the inquest proceedings Mr. Lashley, who is called as a witness *against* the police, said as plainly as possible that at the time no one complained to him that the boy was shot while going to take a bath at the well. He did not in his own evidence say anything about what the boy was doing when shot. But from the evidence of U Hla Bu, the Second Additional Magistrate of Shwebo, whom we have seen in the witness box and who has struck us as being a truthful witness, it appears that, when he met Mr. Lashley at the house a minute or two later, Mr. Lashley said "they say he was fired at while he was going to answer the call of nature." We also have the evidence, to the same effect, of U Ba Gun, the Headquarters Assistant of Police, who accompanied the Second Additional Magistrate. He, too, says that Mr. Lashley informed him that he had learnt from the people of the house that the wounded man was "making water", or on the way to "make water", when he was shot. In his evidence

before us Mr. Lashley, whom we have carefully examined, altogether denies that he said anything to the Second Additional Magistrate or to the Headquarters Assistant of Police about the purpose for which he understood the boy went out. In this respect we find it impossible to disbelieve the evidence of the Second Additional Magistrate. We can see no reason why, having given evidence unfavourable to the police in respect of the pool of blood at point "K", he should have gone out of his way to give untrue evidence favourable to the police in this respect. Another circumstance which tends to cast doubt in our minds as to the truth of the story told by those who wish to put the blame upon the police is that neither of the two men, Maung Hla Gyaw nor Maung Nyet, who were said to have carried him into the house, has been produced in evidence before us. It is true that they gave evidence at the inquest. But neither of them has been cited as a witness before us. The former is the dead man's own brother. In a contentious matter of this kind in which one party has assumed the responsibility of making a serious charge against a police officer, we have not thought it right or fair ourselves to call witnesses who have been omitted by the applicants. And we feel entitled to draw from the fact that neither of these witnesses has been called such inference as that fact may properly bear. There is one further circumstance which tends to create a doubt in our minds as to the truth of the witnesses who have told the story of Maung Ba Thaw being shot at the well. The evidence of the father is that the body was removed into the compound immediately after the boy was shot. This is not consistent with Mr. Lashley having seen the body being moved from point "K", for when Mr. Lashley came along at least seven or eight minutes must have elapsed after the shooting.

The evidence of Maung Kan Hla and those who have given evidence to support his story is clear cut and concise and it is difficult, in respect of any particular witness, to impeach his story. We have, however, to look at the evidence as a whole and, dealing with the matter in that way, we have come to the conclusion that the surrounding circumstances give more support to the police version than to Maung Kan Hla's version, that there is some evidence of the story of the boy going to the well being an improvement of the original story of his having gone out for another purpose altogether that there is a definite hiatus in the absence of the evidence before us of the two men who carried the boy into the house and lastly that the story of the body having been moved into the house at once is difficult to reconcile with the fact that it was seen *at the well* by Mr. Lashley nearly ten minutes later. There is one other circumstance which we should mention at this point which is that, if the shot was fired from point "D" and hit the boy at point "K" some sixty yards away, then it is by no means certain that the bullet could have penetrated to the extent to which it did. We think that the penetration of the bullet which passed almost through his head is more consistent with it having been fired, as the police say it was fired, at a range of twenty or twenty-five yards. We have already set out what the police side of the story is. The police, too, have told a perfectly consistent story, corroborated by their evidence at every point. The difficulty, however, remains. It is to reconcile the police story with the two facts, which we must accept as true, first that the pool of blood was found

at point "K" and, secondly, that, if he received the wound he did receive at point "E," the boy could not have moved on his own feet from point "E" to point "K" which is between thirty and forty yards away. At first sight it is an almost insoluble puzzle.

We have, however, no doubt that we know what the truth is. The mind of the Fifth Additional Magistrate was not directed to the difficulty, which has, in view of the medical evidence, impressed itself on us, of reconciling the fact that the pool of blood was at point "K" and the fact, if true, that the boy was hit thirty or forty yards away at point "E". None of the witnesses he examined were asked any question directed to this. And they were not, we think, prepared for any such question when they came before us. But the truth came out when we examined Ram Narayan Singh, the Sub-Inspector of Police in charge of the police post at point "A". After confirming the evidence of U Than Pe, the Police Station Officer, in every respect, that is to say, that the latter fired from point "D", that the boy was hit at point "E" and staggered to point "F", he said that when the Police Station Officer fired all the men ran back, except one of them who staggered ten or twelve steps and then fell down. He fell down about ten feet from the south gate, that is the gate at point "J". Then he told us that *the body was dragged from there first by one man who picked up the body from the south gate and then by two more men who joined him.* They dragged the body to the north. There they dropped the body near the north gate. This witness impressed us very favourably, the more so as he had not the least reason to expect the line upon which we in fact examined him. We have not the least doubt now that this is the truth. What in reality happened was that the boy did form part of the band of seven or eight which approached the police, equipped with *dahs* and sticks, in defiance of the order under section 144. At the time the police were being pressed from the south and from the west. The Police Station Officer, after warning them to disperse, advanced a few paces to point "D" and then fired the single revolver shot in their direction, which, unhappily hit Maung Ba Thaw at point "E". He staggered a few yards from point "E" to point "F" and fell just outside the southern gate. He was then dragged or carried from point "F" to just outside the northern gate of the compound, where he lay for a few minutes. The pool of blood was formed and he was then carried into the house. Mr. Lashley came along, as he said he did, just in time to see the body being carried from point "K" into the house. And we give him credit for having jumped to the conclusion that it was at point "K" that Maung Ba Thaw was actually shot. We believe Mr. Lashley when he said in his evidence at the inquest that no one had complained to him at the time that the boy was shot while going to the well. And we believe the Second Additional Magistrate and the Headquarters Assistant of Police when they said that the version then current was that the boy had gone out to relieve himself. The fact is that, on the spur of the moment, the villagers invented the story that he had gone out to relieve himself. Then, seeing the pool of blood conveniently placed near the well, that story was improved upon by the version that he had gone out to wash. And we think that Mr. Lashley, who has throughout given evidence against the police, has been compelled to adjust his story too. We have very little doubt in our minds that this is substantially the truth of the matter. The Fifth Additional Magistrate in his report upon the inquest proceedings

came to what we think was rather an unsatisfactory finding, confusing the right of self-defence with the right to disperse an unlawful assembly. Though there has been a half-hearted attempt to put it on the ground of self-defence, we do not ourselves think that any question of self-defence arose. We are satisfied of this, if only because the Police Station Officer, U Than Pe, himself when he reported the incident to his superiors immediately after it took place, reported it, not as a case of self-defence, but as an incident in which he had had to "disperse" a crowd. Moreover, upon the facts themselves, we do not think that self-defence entered into the affair in any way. We do not think that the armed police party was ever in danger from the small party of Burmans even though some of them had *dahs* in their hands.

The matter must, therefore, stand or fall as one in which the police shot in exercise of their right to disperse an "unlawful" assembly. We find as proved the fact that a band of young Burmans did come down the road, some with *dahs* and some with sticks, and that, having been more than once called upon to disperse by the Police Station Officer, they refused to do so. In those circumstances, they were, in our view, quite clearly an "unlawful" assembly within the meaning of section 141 of the Penal Code, inasmuch as they were either exercising or showing criminal force for the purpose of overawing a public servant in the exercise of his duty. Of that we are satisfied. The Police Station Officer did not order his men to fire but he himself advanced a few steps and fired a single shot from his revolver. We think that that was a minimum of force appropriate to the circumstances. It was fired, we think, at no particular person but at, or in the direction, of the band as a whole and it happened to hit Maung Ba Thaw, who was, as we have said, one of the band. In those circumstances, we find on the facts that the Police Station Officer, Maung Than Pe, fired the revolver shot which killed Maung Ba Thaw in the lawful exercise of his right and duty of dispersing an "unlawful" assembly of which Maung Ba Thaw was a member.

We desire to extend our sympathy to the parents of this misguided young man and to point out to other parents the deplorable consequences of the corruption of young men upon which we have commented elsewhere. We have dealt with this incident at length, because it has been most strongly pressed and we do not desire that it should be thought that we have not dealt with it judicially and with the thoroughness which the gravity of the charge deserves.

The Shooting at Kabo.

The 7th of
August.

The other specific case in the district which has engaged our serious attention has been the shooting case which took place at Kabo Village. The village is in Kanbalu Township. Owing to its disturbed state the District Magistrate on the 9th of August issued the order under section 144 of the Criminal Procedure Code, which we have reproduced above ⁽¹⁾ and commented upon. It will be remembered that this order prohibited "the gathering of more than four persons except in private residences in the Kanbalu Township between the hours of 7 p.m. and 6 a.m. without a permit signed by a Police Station Officer or

(1) See page 146.

Subdivisional Magistrate" and it also prohibited "all persons in the Kanbalu Township from moving at night outside their houses unless carrying a lighted torch or lantern."

The military police had been patrolling the Kabo Village tract. On the night of the 17th of August a party of military police called at the house of the village headman at Kabo in order, as they say, to get a guide. Failing to get one, the party went away along the village road towards the north. Not long afterwards the report of a shot was heard. On the following morning the headman reported to the District Superintendent of Police that at 7-35 p.m. on the night of the 17th of August the military police came to his house and went away ten minutes later towards the north and fired a gun and killed a villager, Maung Lu Ba, while he was giving to an old and crippled villager cheroots which he had bought from a tea shop. The same morning the District Superintendent of Police proceeded at once to Kabo Village and commenced an enquiry. He sent the dead body to Shwebo for a post-mortem examination, which was performed by the Sub-Assistant Surgeon the same evening at 5 p.m. The report of this examination was submitted to, and received by, the District Superintendent of Police on the 20th of August. It shows that the body had *two* gun-shot wounds on the back of the right side and one gun-shot wound on the left side; the fifth, sixth, seventh, eighth and ninth ribs on the left side were broken; the heart was lacerated into pieces; the lung was injured by a wound two by two inches in its middle portion; the stomach was lacerated; the diaphragm was torn and the stomach and the large intestine were protruding through the wound on the left hand side. On the same day the District Superintendent of Police sent a block of wood from the verandah with an alleged mark of a '303 rifle bullet on it to the Principal of the Detective Training School, Insein, for examination and expert opinion.

On the 21st of August the Sub-Assistant Surgeon who performed the post-mortem examination of the dead body was examined. He was positive that one bullet entered the right side and came out of the left side and that another bullet entered the right side in a different place and came out on the left side by the same exit wound as the first one. He traced the course taken by each one of these two bullets respectively and he added that a bayonet thrust *could* have passed through the wound on the left side. The report of the expert on the alleged bullet marks on the piece of wood was given on the 27th August and received by the District Superintendent of Police two days later. It showed that the shot which made the marks was not fired from a '303 rifle with a nickel or cupro-nickel jacketed bullet.

We shall now give in more detail the villagers' version of the incident. It is that the military police patrol came to the headman's house at about 7-35 p.m. and asked for tea. That was refused and the patrol party then went away along the village road. After a while a report was heard by the headman in his house of a gun shot to the north. It is alleged that Maung Lu Ba was at that moment standing on the ground in front of the house of an old cripple, over the verandah of which he was in the act of presenting some cheroots. It is said that he was deliberately fired at by the party of police as they came down the road and that he fell at a spot immediately below the verandah.

The villagers' version.

And we have heard many witnesses who have purported to describe the position of Maung Lu Ba's body as they found it immediately afterwards when they reached the scene.

The police version. We think it best to give the police version in the words of the Lance-Naik in command of the patrol, as he has given it to us :—

“ When we left the *thugyi's* house, we went to a road which leads to the canal. When about two hundred yards from the *thugyi's* house we heard some people coming in front of us. When I heard their voices, I put my electric torch on them. The noise was coming from the right hand road. (*Vide* plan in the enquiry proceedings.) It was not a big noise. I flashed my electric torch in front of us, and then on the right side and saw some men coming. The men I saw were coming down the right hand road. I saw five or six men. When I flashed the torch they stopped. They were about twenty-five yards away from me. I was at point ‘A’ on the plan. They were at point ‘B’. I shouted and asked them who they were. They had no lamps, but three or four of the men were armed with *dahs*. They did not reply to my challenge. I shouted again and they started to run away—all of them. The rifles of my sepoy were loaded with five rounds in the magazines and one in the breech. I gave an order ‘Ek round fire karo.’ I gave that order to Said Kassim Shah only. He fired one shot. The men were running away when that shot was fired. One man kept standing. The others ran into their houses. All were running when the shot was fired. One man stood still. I thought that no one was hit and that the man standing intended to attack us. When the shot was fired, we were twenty yards away. Then we advanced to within three or four paces. The man remained standing while we advanced. He was doing nothing—just standing still. He did not shout, he did not wave his arms. I did not see anything in his hands.

- Q. Then why did you say you thought he was going to attack you ?
- A. It was dark and I saw the man standing still and I thought he might attack us and this took place within a few seconds.
- Q. What happened next ?
- A. I told the sepoy to charge him with a bayonet. The sepoy did so. The man on the road was standing facing me. My men had their bayonets fixed. I did not actually see the sepoy stab the man with his bayonet but when he took it out I saw it stained with blood. I looked at his body. He was dressed in shirt and a *longyi*. I saw where the blood was coming from. He was stabbed in the stomach with the bayonet. I saw that. He was stabbed at point ‘C’ and fell at point ‘D.’ (Reference, to plan in enquiry proceedings.) I have been there since. I have not heard the story about the cheroots. ‘(It was put to him.)’ It is quite untrue.

Q. Why did you order the sepoy to fire ?

A. The District Superintendent of Police and the Deputy Commissioner had ordered that no men should be allowed to roam about at night without lights. We have a written order from the Deputy Commissioner first to challenge a man and if he disobeys to fire on him. I have this order in my pocket. '(A translation in Urdu of the Deputy Commissioner's order under Section 144 of the Criminal Procedure Code is exhibited.)'"

The story of the sepoy who fired the shot is to the same effect. We have thought it fairer to set this out in the man's own words, so that it may contain no inflexions of our own.

The District Superintendent of Police completed his inquiry on the 20th of September 1938 and came to the conclusion that there was no doubt that Sepoy Said Kassim Shah under the orders of his senior officer, namely, the Patrol Commander Niazali, did kill Maung Lu Ba. That was obvious. He also held the view that Maung Lu Ba was a member of an unlawful assembly and that his death was due to a bayonet wound and that the bullet wounds on the dead body were caused after his death. But he left it to his senior officers to decide whether the Patrol Commander was at fault for ordering the Sepoy to finish Maung Lu Ba off with his bayonet when Maung Lu Ba did not disperse with the rest of the assembly.

The finding of the District Superintendent of Police.

The Commandant of the Military Police considered that, in view of the "curfew order," the Patrol Commander was probably justified in ordering his men to fire. But he thought that, as no *dah* was recovered from the dead man, it was difficult to understand why he should have considered it necessary to finish an unarmed man off with a bayonet when he was not even running away. No explanation could be offered as to the mystery of there being two gun shot wounds on the left side but it was considered that the medical evidence might be incorrect. The fact that there was no mention of a bayonet wound in the post-mortem examination is difficult to understand. Both the Commissioner of the Sagaing Division and the Deputy Inspector-General of Police have offered explanations which do not reconcile the facts.

The finding of the Commandant of the Military Police.

We have spent much time and unprofitable thought about this case in trying to test the stories told and to reconcile them with the wounds received and the medical evidence. And the conclusion we are driven to is that neither party has told the truth either to us or in the enquiries which have preceded ours. First, we do not think the story of the villagers is true. It must be borne in mind that, according to this story, only one man, the old cripple Maung San Pon, was present when Maung Lu Ba was shot and even he was obliged to say that, as he was unable to get up from his own floor, he saw no military police at all. The case of the villagers rests entirely upon the evidence of those who say they saw the body later on the ground below the verandah. When the District Superintendent of Police saw it himself on the morning after the incident, it was said to be in the same position as that in which it fell. And a peculiar posture it was. He lay almost upon his

back with his legs and knees slightly drawn up. As to the position of his arms and hands the witnesses do not quite agree. But the majority say that his arms were bent, with hands, palms upwards, on a level with his head. But they are unanimous in this that, lightly clasped within his hands, were still the same cheroots which he was in the act of offering to Maung San Pon. One fact is certain, that the man was hard hit by at least one bullet from a '303 rifle, fired at close range, which did the fearful damage which the medical evidence describes. We do think it possible that a man so hit would be in the position in which he was said to have been found and we are unable to accept it as possible that, in such circumstances, the cheroots would have remained lightly clasped in his fingers. We think it very unlikely, too, that, if he were shot in the way the villagers describe, his body would have been allowed to lie until the following day exactly where and as it fell, untouched. And we cannot possibly accept the story that the bullet found in the rail of the verandah was the bullet which killed Maung Lu Ba, because the evidence is conclusive that the damage to the rail was not caused by a rifle bullet at all. We are quite satisfied that the villagers have not told the truth but, on the contrary, we think that Maung Lu Ba's body was "posed" beneath the verandah to support the tale which they proposed to tell.

If that is so, then we are thrown back upon the story told by the military police. This too we are quite satisfied is not the truth. We can find no ground upon which we should be justified in refusing to accept the evidence of the post-mortem that there were *two* entrance wounds of bullets. We think that two shots were fired. We are not prepared to believe that a man who received the injuries of Maung Lu Ba stood upon his feet, alone and unsupported, for an appreciable time while the police approached him and mistook his attitude as menacing. And the story of the bayonet thrust is, as the evidence stands, almost inexplicable. It is just possible that the bayonet wound might again have coincided with the two exit wounds of the bullets, though the coincidence would be extraordinary. If that is not so, then there can be no wound at all to account for the bayonet thrust. On the whole we are as convinced that the story told us by the military police is not the truth, as we are that the story of the villagers is itself untrue. Besides, upon its face, the story told is most improbable. We do not think that any Lance-Naik would so lose his head as first to order five men in the act of running away to be fired upon and then to order a single man who was unarmed and offered no resistance, to be run through with a bayonet. In justice to the Lance-Naik himself we cannot think that that is the true story.

We are, therefore, in the difficult position of being denied the truth from either side and it is, therefore, idle for us to speculate upon what the truth may be for we have no means of ascertaining it. But we think that the matter ought not to rest in this condition. It is with regret that we express the view that, as matters stand, there is no alternative but to accept the story that the Lance-Naik and the Sepoy have chosen to put forward. It is apparently the version upon which, whether it is true or not, they choose to stand or fall. And, subject to what we must later say about the instructions under which they acted, we cannot ourselves find, upon the facts which the men themselves have

chosen as their explanation, that there was any justification either for the shooting or bayonetting of Maung Lu Ba. Admittedly he was one of five or six men who, in breach of the Order under section 144 of the Criminal Procedure Code, were found upon the road. They ran away and were fired on as they ran. There was no question of dispersing them, for they had dispersed. And there was no question of self-defence for there was, as far as we can see, no threat. We are bound to express the view that no legal justification can be found for what was done upon the facts presented to us.

But that does not quite end the matter. If we had been convinced we had been told a true story of the facts by this Lance-Naik, that he thought it his duty to shoot at any person whom he found upon the road in disobedience of the Order under section 144 of the Criminal Procedure Code, we should have had great sympathy with him. For those, in fact, were the orders which he had received. The District Superintendent of Police had, when he received the order from the Deputy Commissioner of the 9th of August, had it translated into Urdu and a copy given to each Patrol Commander. When, in answer to our question, the Lance-Naik said that the Deputy Commissioner and his District Superintendent of Police had ordered him to shoot at any one he found roaming about at night without a light, he spoke no more than the literal truth. We have the document itself among our exhibits. The conclusion we have reached is that neither side has told the truth. The explanation given to us and at the previous enquiries by the Lance-Naik and the Sepoy concerned is not in our opinion true. But even if it had been true, it would we think, upon its facts, have afforded no legal justification for the shooting of Maung Lu Ba nor for the bayonetting of him if it took place. Nor do we think that, apart even from its legal justification, there would have been any practical justification for it. We think that the matter ought not to rest where it is. But we have this to say, that in whatever follows care must be taken to give due weight to the effect of the instructions the Lance-Naik received from the Deputy Commissioner and the District Superintendent of Police, for these instructions were wrong in law and misconceived and it would, in our view, be unfair to hold a Lance-Naik and a Sepoy liable for the mistakes of two senior officers.

We have referred in many places in this report to the series of complaints which we have received from the Indian residents of the towns and villages from which our witnesses have been drawn. In this district their complaints have taken two forms, first, of the disloyalty to their duty of some *thugyis* and, secondly, of the lack of protection afforded them by the police.

Complaints
received.

As regards the first of these two complaints, it conforms to what we have heard in many other districts in the course of our tour. We have of necessity been unable to investigate judicially such cases which would have involved the extension of our tour for many months. But we have heard enough to convince us that in this, as in other districts, there is at least a probability of truth in the general allegations that are made, not only that *thugyis* have been inactive in the protection of those of their constituents who are Indians, but have in some cases even encouraged, or taken part in, rioting. It would be most unfair to the class of the *thugyis* as a whole for us to suggest that they are all

Disloyalty
of *Thugyis*.

involved in this charge. We have no doubt that many *thugyis* have endeavoured to do what they can for all their villagers impartially and irrespective of class and nationality. We are not unmindful also of the difficult position in which a *thugyi* may find himself in this respect when faced by angry villagers. But that can be no excuse for those incidents which we have some reason to think exist in which *thugyis* have been found either rioting themselves or encouraging others to riot. We have complaints of this kind from Hmawdaw Village, Ngayane Village, Wetkyan Village, Kyigon Village, Nyaungbinseik Village, Tebobin Village and Wayonbok Village. We do not know what remedies exist for this state of affairs except that we feel that some investigation ought to be made departmentally into the activities of the various *thugyis* up and down the country during the present disturbances. So far as this district is concerned, both the Deputy Commissioner and the District Superintendent of Police have conceded to us that the *thugyis* on the whole were not as active as they should have been in protecting the villagers in their charge.

**Complaints
against the
Police.**

As regards the complaints of general inactivity against the police, these, we are satisfied, proceeded, in the great majority of cases, not from any actual failure of duty by the police but from their inability, through lack of numbers, to give protection to every one who stood in need of it. It would be unfair to expect the police to do impossibilities. And when one or two policemen find themselves confronted with an armed and hostile crowd, they may, from sheer force of circumstances, find themselves unable effectively to intervene. We think there have been a great many cases of this kind which have been mistaken by disappointed residents as a wilful withholding of police protection from them. But there is a case in Ye-U Town in which a matter of this kind came to the direct notice of the District Superintendent of Police and that case is, we understand, under investigation by him. We do not doubt that he will do justice in it and we do not feel called upon to make any further comment on it. On the whole, however, no general charge has been made out before us of any general inactivity by the police in the district and we feel that the matter may be safely left in the hands of the District Superintendent of Police for him to deal with it. He himself has told us that no cases except the one to which we have referred have been brought to his attention.

**A suspected
case of bias
in a Govern-
ment officer.**

We have come across a case in which, if we had had an opportunity of affording the civil officer concerned a chance of answering the charge against him, we might have taken a very serious view. We think it would be unfair in the circumstances to mention his name. But it may be ascertained from the evidence of our witness No. 17. The officer in question is a Subdivisional Officer. There is a good deal of evidence, which is upon its face reliable evidence, that this officer for some time past had been extremely antipathetic to the presence of Indians in his subdivision and that, on more than one occasion, he had permitted himself to make speeches in public and in private advocating their being driven out of the country upon the ground that they were causing ruin to Burmans. This officer had involved himself in a religious controversy with the *pongyis* of his subdivision. We could not sufficiently strongly condemn a civil officer, charged with the impartial administration of his subdivision, who showed political or

racial bias towards or against any class or section within his jurisdiction. If there is one thing more than another that a civil officer ought to avoid, it is any form of racial, political or religious partiality. And, if the facts which we mention should be conclusively proved, we should have very little hesitation in admitting the action of this officer as a grave breach of duty. He has now been transferred elsewhere. We mention the matter because, *prima facie*, it bears the marks of truth and for the purpose of emphasizing the importance of impressing upon junior Government servants the supreme importance of their standing always outside any form of communal, political or religious controversy. And we think that a general warning might well be issued to all Government servants that this sort of thing must be avoided.

The causes of the disturbances in the district do not, we think, differ greatly from those elsewhere, except that there is to be found here a stronger natural disposition to defy the law than in most other places. The district has a large Zerbadi population for the most part contained in scattered villages. The attack upon the Indians and on the Zerbadis was intense. Here, too, we think that Maung Shwe Hpi's book was in reality the occasion, and not the cause. Though by itself, no doubt, it was an offence to some Buddhists, that does not in any way, in our opinion, account for the protracted attack upon them which the Indians and the Zerbadis have suffered long after the offensive book had ceased to be an issue in the matter ⁽¹⁾. We have no doubt that in reality they were attacked, less because of their religion than by reason of their race and, as to the Indians, their ability and comparative prosperity. But, whatever can be said about the Indian being of a race foreign to Burma, this cannot be said with truth about the Zerbadi, whose plight in the Shwebo District and in Burma generally is pitiable. We regret that in the Shwebo District the influence of many *pongyis* was definitely on the side of disorder and that, in instance after instance, they were to be found accompanying, encouraging and leading crowds of rioters. This was the case in Ye-U in particular where in almost every instance the crowds consisted largely of armed *pongyis*.

Causes in the
Shwebo
District.

We cannot refrain from saying that at the time of our visit the district showed little sign of a return to normal and the anti-Indian and Zerbadi feeling remained intense. In many ways they were still the object of deliberate persecution. Their cattle were being stolen and their crops destroyed. This was part, we think, of an organized attempt still being made by *pongyis* and *thakins* to hamper and defy authority in every way. Meetings and processions, for any trifling excuse or for no cause at all, were common and even school boys are being assiduously taught to despise authority and discipline and to demonstrate for reasons which, if understandable at all, they cannot understand. We have even heard of cases of boys being made to parade the streets with carefully prepared anti-Indian and anti-Government tableaux. And, as far as we could see, no end to it was in sight. Restraint has been mistaken for weakness and has served only to encourage those whose purpose is to destroy established law and order. The prolonged example of this disorder has gone far to unsettle and corrupt even those more intelligent and responsible

The district
is still in a
bad state.

(1) We have seen Indians of seventy and eighty years of age who have lived for fifty years in the district and now go in fear of their lives.

villagers and townsmen who, had they seen authority asserted, would, we believe, in their hearts have welcomed it. We have reports ⁽¹⁾ that even some of those Indians who gave evidence to us have been persecuted since. We think that we do right to draw attention to the serious condition of this district where the rule of law is in contempt and where its Indian and Zerbadi citizens are still not safe. And for the future we have grave fears, if the present cycle of unrest should leave behind a sense of the powerlessness of authority to stop disorder. We think the police on the whole did what they could. And, but for a District Superintendent of Police who is both energetic and strong, matters might have been, and be, still worse. We think we ought to say that this District Superintendent has for many months efficiently controlled this district, so far as the limitations of the forces at his command allowed. The strain upon him has been great.

SAGAING DISTRICT.

We have but little to say in respect of this district. Both Sagaing Town and the District were comparatively quiet. Sagaing Town is within a few miles of Mandalay and easily accessible by road and rail. To this we think that the tranquillity of Sagaing is to be attributed because it affords an excellent example of the good results attained by using timely and sufficient "force". On the 31st of July there was all the material at hand for the outbreak of serious disorder. A large mass meeting was proposed for the centre of Sagaing Town and, when this was forbidden in the town itself, a serious situation might have arisen had not strong measures been promptly taken. But the Deputy Commissioner took the wise step of obtaining from Mandalay an imposing force of a hundred Burma Rifles and holding the town at every point. Later also, on the 5th of August, the same tactics succeeded in preventing a threatened attack on the Muslims of the town. Not every Deputy Commissioner is, of course, so fortunate as to be able to obtain at short notice soldiers or military police in numbers. But we think that in Sagaing, where this was done promptly and in time, it undoubtedly had the effect of preventing an outbreak of disorder, which once started would certainly have spread throughout the district. As it was the early firmness had the effect of maintaining peace throughout. Though the facilities which Sagaing enjoys are not available in other places, we think there is a lesson to be learnt that early firmness as a rule saves trouble and perhaps bloodshed later. But, in other ways, we think that in Sagaing, as in Shwebo, the same steady undermining of the rule of law and of all sense of citizenship and discipline proceeds ⁽²⁾ and, in the same way as we have noticed elsewhere, the contemptible exploitation of the schools and of the children is going on.

These two districts of Shwebo and Sagaing are anxious charges and, perhaps, it is not out of place that we should say that we have noticed in them the visible effects of the pressure and the strain under which its civil and police officers have for many months been working. Indeed, throughout Burma the strain upon them has been very great. We desire to say no more than that in the Sagaing District the threatened trouble appears to have been handled efficiently and well.

⁽¹⁾ It is fair to say that there have not yet been verified.

⁽²⁾ In Sagaing since the riots there has been intensive picketing of Muslim shops as in Mandalay, with which we deal later. See page 186.

CHAPTER XV.

The Mandalay District.

The Committee visited Mandalay on the 2nd of January 1939 and made a stay there of six days and a large volume of evidence was produced to it on behalf of the Burmese and Indian communities. We were assisted, in our inquiries into the allegations made by the Burmese community, by U Ba Thin, a Higher Grade Pleader and by U Ba Pe, M.H.R. Their allegations related to the activities of the police, particularly with regard to the occasions on which they opened fire and with regard to the arrests of persons alleged to have been involved in the disturbances. The Burmese community also produced evidence of misconduct on the part of some Indians. On the other hand, as in other districts, the Indian community alleged the inactivity of the police and insufficiency of protection afforded to them. We have also had adduced before us, with the assistance of U Aung Thin, advocate, evidence on behalf of the Zerbadi community of Mandalay. Besides these unofficial witnesses we have examined a great number of civil and police officials. The Commissioner of the Division, Colonel Barker, gave evidence before us in Rangoon on our return from Mandalay. Besides the oral evidence, we have received a memorandum on behalf of the Zerbadi community and a note prepared by Colonel Barker, as well as the inquest proceedings in respect of the deaths of persons shot by the civil and military police. We propose first to set out in narrative form the events which took place at Mandalay. It was considerably disturbed from the 29th of July 1938 and is still in a disturbed state. Then we shall discuss particular charges made by members of the public under separate heads. We have with judicial care sifted the evidence produced before us on these charges. We have also devoted particular attention to the charges against the police and military police made in the speeches of members in the House of Representatives which, as we shall show, were, with one exception unwarranted.

The Committee's visit to Mandalay.

The Commissioner received a telegram on the 27th of July 1938 at Maymyo informing him of rioting in Rangoon. He returned to Mandalay. On the 29th of July, a number of young *upazins* armed with sticks and stones went round the Zegyo bazaar. They were persuaded to leave the bazaar but shortly after *pongys* began to assault Indians to the west of the Clock Tower. By the time the police arrived the *pongys* had disappeared. There was however a large crowd of them along "B" Road. The first assault took place in the Saingdan Quarter where an old Zerbadi woman had her hand severed, a young Zerbadi girl was badly cut about the head and shoulders and a Zerbadi man had his left arm practically cut off. The military police were called out and the Burma Rifles told to stand by. In the same quarter about forty or fifty men, women and children took shelter in the house of a Muslim ⁽¹⁾ and at about 6 or 6-30 p.m. large groups of *pongys* armed with *dahs* and about fifty laymen surrounded the house and threw missiles of all sorts at it for about half an hour. They tried to force their way in and the householder fired a shot in the air from his gun. This had

Beginning of the Riots at Mandalay.

(1) Mandalay witness No. 3.

the effect of holding the crowd back for a while. The District Superintendent of Police arrived at about 7 p.m. and the crowd was persuaded to go away. The Mosque in this quarter was also invested and a number of other houses attacked at about the same time. The District Superintendent of Police was accompanied by U Aung Kyaw Moe who has told us that he saw the attack on the Zerbadi man and woman. The crowd were shouting, "Destroy, attack", etc. This officer then *shikoed* the crowd and requested it not to attack any more. He says he feared that they might attack again unless he *shikoed*. At the time the police party consisted of, besides the superior officers, twenty constables armed with muskets.

30th July.

On the 30th of July trouble was much more widespread and serious. There were sporadic assaults by Burmans, particularly *pongyis*, on Indians. The military were called out and a large contingent of military police, civil police and extra police, were posted at the Clock Tower. The Commissioner called a meeting of about twenty-five *sayadaws* and some respectable *lugs* of the town. While this meeting was being held, a report was brought in that a *pongyi* had been shot by an Indian near the *payagyi*. On receipt of this news the Commissioner and the other civil officers proceeded there to inquire into the matter. The official report states:—

"In the middle of the meeting a report was handed in to me that a *pongyi* had been shot by an Indian near the *payagyi*, that is the Arakan Pagoda. This later proved to be false. What had happened was that the *pongyis* attacked two Mahomedan shops and smashed the furniture whereupon one of the shop owners, who was a gun licensee, fired his gun in the air and frightened them away. I, the Deputy Commissioner and Major Tudor Craig proceeded there immediately with a Military Police party and found that two Mahomedan shops had been smashed up to some extent by *pongyis* who were completely surrounding the house and whom we drove back without using force."

Shooting of
Bhai Bhai.

This incident has been reported to us by Burmese witnesses also and we have inquired into the matter. Our detailed discussion of it will be found at page 184, where we deal with the shots fired by Bhai Bhai. At about 6 p.m. a large crowd gathered to the west of the Clock Tower and stone throwing started. The streets were full of *pongyis* some of whom were carrying *dahs*. They were dispersed. At about 7-30 p.m. a crowd collected to the west of the Clock Tower and started looting Indian shops. Civil officers, with twenty-five military police under Captain Spearman, arrived on the scene and the District Superintendent of Police fired two shots from his 12 bore gun. A number of rioters were injured and the crowd dispersed. This shooting incident is later discussed (1) as the "Saingdan Shooting." At about 8-30 p.m. there was information that looting and rioting were going on at the corner of 84th Street and "A" Road. The police party proceeded there and found a party of Burmans looting who ran away. One shot was fired by the District Superintendent of Police. At about 9 p.m. the shop of a Zerbadi photographer was attacked,

The Saing-
dan Shooting.

(1) See page 167 *et seq.*

the owner assaulted, his mother murdered and the shop smashed to bits. The shop owner informed the police that this was the work of *pongyis*. More looting went on in 83rd Street, where two large shops were thoroughly smashed up. Fire was opened but no one was hit. At about ten o'clock the police party passed the corner of 84th Street. They found a large general store and a hair-dressing shop, both belonging to Hindus, being looted. After a warning fire was opened and two men were shot. This incident is later discussed under the title of the ⁽¹⁾ "Ywahaing Bazaar Shooting". There is no doubt that a great deal of looting, destruction and assault went on during the night at different places, many of the cases not being reported to the police.

The Ywahaing Bazaar Shooting.

31st July.

On the 31st of July 1938 armed patrols and military police went round in buses. Crowds were dispersed, in some cases by firing, but sporadic assaults on Indians by *pongyis* and Burmans continued during the whole day. At about 3 p.m. fifty rioters were found breaking into and looting a shop near the junction of 84th Street and 35th Road. A patrol, accompanied by a Magistrate, was sent out and after due warning they fired on the looters hitting three and taking four prisoners of whom one was a *pongyi* armed with a *dah*. The party actually saw twenty *pongyis* who escaped with numerous other looters. At about 6 p.m. a large number of *pongyis* held up the mail train near the Shanzu Police Station. They were dispersed without resort to firing. Throughout the night patrols went about in motor cars and buses which had the effect of keeping down the number of incidents. A party of Muslims who were taking the body of a woman for burial to the cemetery were attacked by a crowd of fifty laymen and ten *pongyis*. A *Moulvi* was seriously injured. The police patrols brought in about a hundred and seventy Burmans and *pongyis* who had been arrested armed with weapons.

1st August.

On the 1st of August 1938 things were quieter although there were a few assaults by Burmans on Indians with *dahs*, daggers and stones. It was on this day that trouble spread to the neighbouring places of Amarapura and Pabe. These incidents are discussed under the "Amarapura Shooting." ⁽²⁾

The Pabe Shooting.

4th August.

On the 4th of August four *pongyis* in broad day light and in front of many people assaulted two Indian military policemen who had gone to the Zegyo Bazaar to buy cooking utensils. One of these men was very badly cut about. In the evening the Myitnge police seized twenty-eight *dahs*, two spears and two iron rods from two Burmans in a local tram while they were being conveyed to Shanzu.

Recrudescence on 25th August

Disturbances broke out again on the 25th of August when two houses belonging to Zerbadi women were set fire to in No. 17 Police Station area. On the 26th there was a case of attempted arson and the Mingala Bazaar was picketed by *pongyis*. On the 27th there was an assault with *dahs* by two *pongyis* on two Indians, one of whom was badly cut, early in the morning near the Zegyo Bazaar. At 7 a.m. a Zerbadi was cut by *pongyis* in the Saingdan Quarter and an attempt seems to have been made by some Indians to retaliate. About 10-40 a.m.

⁽¹⁾ See page 168 et seq.

⁽²⁾ See page 176.

a Burman trishaw coolie was assaulted slightly by Indians in 26th Street and a Zerbadi assaulted one of two *pongyis* at a shop near the Clock Tower. At about 8 p.m. a police patrol party accompanied by U Aung Kyaw Moe came upon a large mob of about a hundred and fifty *pongyis* and a hundred laymen setting fire to and looting two Indian houses. The police party opened fire and two casualties resulted—one, a layman, who later died and the other a *pongyi* who was picked up dead. Information has been received that twenty-seven other *pongyis* received injuries, but they did not report at the hospital. The lane down which the crowd ran after being fired upon was littered with *pongyis'* slippers and a *thingan* and various weapons including a dagger. The following morning it was discovered that this mob had murdered an Indian gharry-wallah, hacking him with *dahs*. We have received no complaints regarding this firing. At 12-30 p.m. the next morning an attempt was made to set fire to a Mahomedan house near the north gate of the Arakan Pagoda. A bundle of *thingan* cloth soaked in kerosene was set alight and placed against the door. This house belonged to the brother of Bhai Bhai who had fired a gun on the 30th of July. Again, on the night of the 28th, an Indian was cut with a *dah* by a *pongyi* near No. 1 Outpost. At 8-15 p.m. a house belonging to a Zerbadi was burnt down in No. 5 Police Station area. At 9-35 p.m. two *zayats* in the Mahomedan cemetery were burnt down. The Superintendent of the Fire Brigade states that he saw eight or nine *pongyis* running away on the arrival of the fire brigade. At about 10 p.m. an Indian shop was looted about half a mile away from No. 13 Police Station. At 11 p.m., in No. 16 Police Station area, an Indian Muslim stall-keeper was cut by two Burmans while sleeping outside the shop. Other assaults and attempts at arson went on during the 29th and 30th of August. A most inflammatory leaflet over the name of U Tezawuntha was distributed in the town. It called Indians and Chinamen "blood suckers" and called upon Burmans to go into trade and work for the welfare of Burma and also to prevent Burmese women marrying non-Burman husbands. Minor disturbances continued on the 31st of August and the 1st of September. On the 2nd of September the house of an Indian clerk of the Marine Department, Mr. Dass, was set fire to and practically burnt out. During the first week of September inflammatory and threatening leaflets and cards were distributed and efforts were made to obtain the release of the persons arrested.

1st October.

After these disturbances in September, there was a lull for about three weeks. But trouble broke out again on the 1st of October with an assault on a Muslim bill-collector employed by Messrs. Steel Brothers, who was attacked in broad daylight by *pongyis* and died almost immediately. We have been told that the reason for this assault was that this man was a likely witness against some *pongyis* accused of preparing for the disturbances. It is said that he had been examined by the police and had made a statement that he had seen *pongyis* sharpening *dahs*. That afternoon the murdered man was buried, his funeral being accompanied by a large number of Muslims. It is alleged by the Indians that stones were thrown at the funeral party while returning by Burmans, and by the Burmans that the party threw stones and attacked Burmese houses. We have no doubt that there is some truth in both these charges. But we are not convinced that the conduct of the funeral party, as has been suggested by some-

Burmese witnesses, was the "cause" of the disturbances which followed. It is apparent that this blatant murder roused the feelings of both communities and resulted in a considerable amount of tension.

On the 6th of October 1938, a very serious incident occurred in connection with a Muslim funeral. A small party of Muslims was carrying the dead body of a Zerbadi woman to the Muslim cemetery. On the way back they were assaulted by a mob of *pongyis* and laymen and nine persons were cut of whom no less than three died. We have been told by a number of Indian witnesses, and the fact has been confirmed by the officials, that it had become a dangerous undertaking for Muslims to bury their dead. Almost every funeral party was attacked on its way to or from the cemetery and one party had actually to leave the dead body on the road. Since the attack of the 6th of September all funerals have been escorted by police parties. We wish to express our abhorrence of hooliganism which attacks the dead and molests those who are performing their last duty to them. After this, there has been no actual disturbance in Mandalay, except strong and often violent picketing in front of Indian, particularly Muslim, shops with a view to prevent Burmese Buddhists from patronising Muslim traders⁽¹⁾. We shall discuss this matter in a later portion of this report.

6th October.

THE SAINGDAN SHOOTING.

The first incident of shooting by the police on rioting crowds took place on the 30th of July at 7-30 p.m. News was received at the police headquarters at the Clock Tower of the Zegyo from Police Station No. 15 that a large crowd of Burmans was looting Indian shops in Saingdan Quarter, which lies on "B" Road west of the Zegyo. The District Superintendent of Police at once set off with a party of twenty-five military police under Captain Spearman. They found a large crowd of Burmans led by *pongyis* breaking into and looting Indian shops to the south of the road. The District Superintendent of Police called on the mob to disperse, but without effect. He even saw a man removing a barber's chair from an Indian hair-dressing saloon. He fired two rounds of S.G cartridges from his double barrelled 12 bore gun at the crowd. One man dropped and the crowd dispersed. This man was later picked up and sent to hospital. Other persons wounded by the shots from these two cartridges reported to the hospital. In all nine men received injuries. The District Superintendent of Police has told us that he aimed at two persons in the crowd and that no one except persons in it could have been shot. There was no question of hitting innocent standers-by. The police party then went on to Police Station No. 15. Thirteen Burmese witnesses have given evidence before us about this incident. Five⁽²⁾ of them have given evidence regarding the shooting of Maung Nyo, a lad, thirteen years old. We are told that this boy was sent by his father on an errand and while on his way was hit by a pellet. There can be no doubt that the boy received the injury and was in hospital for four or five days. But none of the witnesses can tell us how he was shot.

The Saingdan Shooting was justified.

⁽¹⁾ We regret that since we wrote this there has been another serious outbreak at andalay, in which resort had to be had to shooting, with many casualties.

⁽²⁾ Mandalay witnesses Nos. 105—109.

He happened to be near the mob, which, without a doubt, was engaged in rioting. But there is not the slightest indication that he was deliberately shot at or that there was any indiscriminate firing. Other witnesses speak generally of shooting and mention persons who were hit. Most of them, however, admit that there was a large crowd about and that they themselves were part of that crowd. There can be no doubt that Mandalay was at the time greatly disturbed. Large crowds were going about rioting. We cannot accept the statements of witnesses who pretend that all was quiet and normal. It may be that the witnesses who were produced to attack the shooting were called on the assumption that the incident would be denied. But the District Superintendent of Police admits he fired two rounds and it merely remains to find if he was justified.

We consider he was amply justified. He did so to prevent looting of property and to disperse what was obviously an unlawful assembly. The minimum of force was used against a crowd estimated by the non-official Burmese witnesses themselves to be four or five hundred strong and armed. None of the rioters was seriously wounded and to our minds the utility of shot guns as a weapon to disperse large mobs appears to be established. One matter, however, remains to be dealt with. There has been an impression that one Maung Ya Gyaw died as a result of this firing. There is no evidence of that produced before us. The only mention of his name was by a witness who heard at the hospital that Maung Ya Gyaw had died and assumed that he died at Saingdan. In fact, he was shot later at Ywahaing Bazaar.

THE YWAHAING SHOOTING.

The
Ywahaing
Shooting
was
justified.

This incident began by a police party, including the Deputy Commissioner, the District Superintendent of Police and Major Tudor Craig, seeing a crowd of Burmans and *pongyis* looting the shops of two Hindus ⁽¹⁾. The police party in a motor bus and military police lorry went from the Clock Tower to Police Station No. 10 near the *payagyi*. On the way they passed 84th Street near Ywahaing Bazaar at about 8 p.m. They saw the crowd looting a large miscellaneous goods shop and a barber's shop. The police vehicles were stopped and the officers got down and the District Superintendent of Police called upon the crowd to stop looting and to disperse. This was not heeded and he then fired two rounds from his double barrelled shot gun. At about the same time the military police fired ten rounds from their rifles and the Detective Inspector fired one round from his revolver. Two men fell and this had the effect of dispersing them. Some persons found inside the shop were arrested. The three persons wounded were Maung Ya Gyaw, Maung Hmya and Nyun Tin (or Thet Tin). Maung Ya Gyaw, whom we have mentioned earlier, was badly wounded and was sent off immediately to the hospital where he arrived at 8-20 p.m. He died at 7-20 p.m. on the 31st of July. As no conveyance was available Maung Hmya and Nyun Tin did not arrive at the hospital until 10-30 p.m. Nyun Tin died on the 31st of July 1938 at 1-30 a.m.

(1) Mandalay witnesses Nos. 70 and 71.

No complaint has been made to us by the Burmese witnesses about this case of shooting. But we have examined the Deputy Commissioner, the District Superintendent of Police and the Detective Inspector. We have also heard the evidence of the Indian shop-owners who had taken refuge from the mob on the first floor of their house. Besides this, we have had the benefit of the evidence taken before the Western Subdivisional Magistrate of Mandalay in the inquest proceedings relating to the death of Ya Gyaw and Nyun Tin. We propose to consider this material carefully in view of the confusion which relates to the death of Maung Ya Gyaw, which was supposed to have taken place at Saingdan.

At the inquest ten witnesses were examined including Mr. B. David, the Detective Inspector of Police, Mandalay, the District Superintendent of Police, the District Magistrate and Hukum Singh. These official witnesses all state that on the night of the 30th of July 1938 at about 8 p.m. they went with a party of military police past the shop of R. H. Mehta and Kanaya Lall and found a large party of Burmans and *pongys* looting right inside the shops. The District Superintendent of Police stopped the buses, got down and shouted to the rioters to stop. They took no notice. The District Superintendent of Police then opened fire with a shot gun hitting one man who ran out through a doorway straight at him. The military police also opened fire and they fired ten rounds, while Inspector David fired one round from his revolver. Then the people dispersed and the party went in and made arrests. The owners of the shops, R. H. Mehta, J. H. Mehta and Kanaya Lall with their families had taken refuge upstairs. R. H. Mehta and J. H. Mehta and Kanaya Lall are also witnesses in the inquest proceedings. The District Superintendent of Police states that he found them and their families almost crazy with fright. They reported that looting had been going on for some time and that the looters had threatened to kill them. R. H. Mehta says that on the 30th of July 1938 at about 4 p.m. he closed his shop early owing to the disturbances and went upstairs. At about 7 or 7-30 p.m. two or three Burmans came along by the side of the house and told him if he was a Hindu he ought to put lights on his house. Therefore the witness lighted candles or lamps which he hung in his verandah. A little later about thirty or forty *pongys* who were seated in the shop of a Burman rice seller opposite his shop abused him and asked him why he had hung lighted lamps when he was not a Burman. Then he saw a party of about two hundred and fifty or three hundred Burmans come out of a lane and start throwing bottles and stones at his shop. The witness shouted to the durwans of Ywahaing Bazaar and asked them to send a message to the Police Station. The durwan came back and told them that the Jemadar, who is a Burman, would not allow the use of the telephone. In the meanwhile the crowd led by the *pongys* broke open the door of the shop with hammers and *dahs*, entered and took away goods in all directions. From time to time a torch had been flashed at them and stones thrown. This witness saw the firing and heard that the wounded were taken to the hospital. He says that, if the police had not arrived, the crowd would have come upstairs and killed him and his family. He says he lost about Rs. 12,000 worth of property. His brother, J. H. Mehta, corroborates this in all particulars. Both these witnesses corroborated the evidence given by the official witnesses. Kanaya Lall also gives

evidence to the same effect. The medical evidence is given by Dr. Ah Kyaing who gives the time of Ya Gyaw being brought to the hospital as 8-20 p.m. He also states that Nyun Tin was brought in at 11-30 p.m. This seems to be a mistake for 10-30 p.m. The *post-mortem* examination was made by Dr. L. E. Crean who ascribed the death of both these men to gun-shot wounds. Maung Paw stated that Ya Gyaw was his nephew and used to live with Daw Hmi. He says he went at 6 or 7 p.m. to Saingdan Quarter to meet him as he had not returned home and as a report of a gun had been heard and that he found him lying with gun-shot wounds on the roadside in Saingdan Quarter. He adds that he took him in a gharry to the hospital arriving there at about 7 p.m. That is a summary of evidence taken at the inquest.

On our arrival at Mandalay we were given a summary of the different episodes by the party producing evidence before us regarding the Burmese side of the case. It was stated in the summaries, under the heading "Saingdan Shooting Case," that on the night of the 30th of July 1938 at about 7 p.m. the military police fired at random on the Saingdan Road and several innocent persons were injured out of whom Maung Ya Gyaw died in hospital. There followed a list of witnesses who were to speak of the firing. We have already set out above what these witnesses have said. But the one witness who was to have spoken about the removal of the body of Ya Gyaw, namely Maung Paw, uncle of Ya Gyaw, was not called. We were, therefore, left with nothing but the evidence at the inquest and on that evidence we cannot but conclude that Ya Gyaw was at the looting of the Indian shops and was removed to the hospital from that place. It appears to us that there would be no point in the police shifting the scene if Ya Gyaw was actually shot at Saingdan. As stated above there seems to have been a confusion by reason of the wounded arriving at the hospital at about the same time. Moreover, there cannot be the slightest doubt that the firing at the Ywahaing Bazaar was legally justified and that the police had no other course open in the circumstances. The shop owners, in addition to what they said at the inquest, added before us that some time before the District Superintendent of Police's party arrived, they saw a bus containing Burman policemen pass by, while the looting was going on. They shouted for help but that party went on without rendering any assistance to them.

The allegation in the House of Representatives.

Before we pass on, we must refer to the speech made by a member of the House of Representatives, representing the Mandalay constituency, in which he purported to describe police excesses and atrocities. This is what he said about the incidents described above :—

" I will first of all deal with the happenings in Saingdan to the north-west of the Zegyo Bazaar. A bus of military policemen facing westwards lined up on that road and opened a volley of fire towards the west. Several stray bullets hit children, women and men who were either walking along the road at great distance from the bazaar or sitting in their houses or going about the quarter doing domestic work. A boy by the name of Maung Nyo—only thirteen years old—who was sent to a shop to buy condensed milk was hit on the knee. The boy ran into another quarter and the people in that quarter taking pity

on him took him to the hospital. The wound was cured in a few days and when the boy came home he was arrested for dacoity."

As will be seen from the narrative above the Hon'ble Member had not taken the precaution to enquire into the facts before he made this statement. It is not true that a bus of military police men opened fire in Saingdan. In fact, it was the District Superintendent of Police who fired two shots from a shot-gun. There was no case of women being hit. Only one lad was hit as he happened to be near the crowd. We see no reason to disbelieve the evidence of the District Superintendent of Police that he fired into the crowd and it is highly improbable that innocent passers by could have been hit, although it is not impossible. Further, it is also not true that this boy was arrested for dacoity. Only two persons were arrested from that crowd.

THE U-BOKTAW CASE.

On the 30th of July 1938, a shop belonging to Shaik Madar was looted by *pongyis* and Burmans at about 7-30 p.m. The owner was not present at the time, having left his shop in charge of his brother, Mohamed Esoof. According to him, while they were at their meal in their house after closing the shop, stones were thrown. The only inmates at that time were himself, Hussein and two boys. There was a large crowd of four to five hundred Burmese laymen and *pongyis* outside throwing stones, yelling and shouting. They, therefore, hid themselves in the kitchen while the mob broke the door down and looted the shop. Just then Hukum Singh, Sub-Inspector of Police in charge of the Motor Vehicles Department, and five military policemen were proceeding to No. 10 Police Station, after leaving a wounded person at the hospital. On arrival at the junction of 84th and 41st streets they saw a crowd of about twenty *pongyis* and laymen looting two Indian shops, one belonging to Shaik Madar and the other a ration shop belonging to S. N. Naina Mohamed. Both shops are in the same building. Hukum Singh found the mob looting the ration shop and breaking open the doors of the other. He stopped the bus but the mob threw stones at them one of which hit Hukum Singh. Hukum Singh, owing to the smallness of his party did not get down from the car but ordered the crowd from where he was to stop looting. The mob challenged the bus not to move and some of them even blocked the way. Hukum Singh and his party then opened fire, Hukum Singh himself firing two shots with his revolver and the military police firing four or five rounds. The mob dispersed and Hukum Singh proceeded to No. 10 Police Station, where he made a report to the District Superintendent of Police and the District Magistrate. The street lights were out and all the houses were closed on account of the disturbances. Maung Kyaw, on whom some injuries were found, was later prosecuted under sections 395 and 397 of the Penal Code but the case was withdrawn with the permission of the District Magistrate. Maung Lu Gale came home by himself on the night of the occurrence and was taken to the hospital by his sister, Ma Saw Hla. He was admitted as an indoor patient at 11-45 p.m. on the same night and he died in the hospital at 2-50 a.m. on the 31st of July 1938

The U-Boktaw Shooting was justified.

a few hours after the admission. Dr. Crean, who performed the *post-mortem* examination found the following injuries on Maung Lu Gale :—

(1) One entrance gun-shot wound on the left hip.

(2) One large punctured gun-shot wound (exit wound) on the left and lower part of abdomen, with intestines protruding.

He died as a result of the gun-shot wound in the abdomen. No petition was made to the District Magistrate but prominence was given to this incident in the speech to which we have already referred made in the House of Representatives. The relevant portion is reproduced below :—

“Another happening took place near the old Burmese bridge towards the Arakan Pagoda. Of course there was some looting of a Kaka shop there, but when the military arrived there the military shot from the car. They shot towards the north and many shots strayed and hit several persons who were keeping indoors. One lady by the name of Ma Thein Khin was hit on the arm while she was peeping out from a gate towards things that were happening at some distance in the street. At that place two other young men were also hurt, and Maung Lu Gale died there.”

Two witnesses were examined before us. One was Ma Thein Khin and the other was U Waik. Neither of them stated that Maung Lu Gale or Maung Lwin were innocent persons or that they were not among the rioters who looted the shops of Shaik Madar and Naina Mohamed. U Ba Pe, who conducted the case, examined only these two witnesses and waived the remaining ones and, in our opinion, he rightly thought that this was a case which he could not press further. We did not feel that this was a case in which we needed to examine either Hukum Singh or the police officers. And we agree with U Ba Pe that it is not a matter which can be pressed for an enquiry. We come to the conclusion that both Maung Lu Gale, deceased, and Maung Kyaw were members of the unlawful assembly engaged in looting the two Indian shops and that both of them were shot by the police while they were, with others, so engaged. The police were in our view legally justified in shooting at the crowd of which these two men formed part.

THE AYO-O-GALE SHOOTING.

The Ayo-O-Gale Shooting case was justified.

This case is also one which was referred to in the speech in the House of Representatives. It was represented as being a case in which a Chinaman named Yoke Shein was quietly going about the street when motor cars arrived from which he was deliberately shot. He was, it is said, hit by several bullets and there was neither looting nor rioting going on. The story has been told to us by the very man himself. He was sitting, he says, at about 8 p.m. on the 30th of July on a bullock cart in front of his house in the Ayo-O-Gale Quarter of Mandalay. He heard the sound of a motor car on the north side of him and looking in that direction he saw the lights switched off and heard the firing of guns about half a block away. He then turned towards his house and, as he did so, was hit by a bullet. He adds that there was a disturbance about two blocks away from his house,

He says he reported at No. 9 Police Station where instructions were given to take him to the hospital. It will be observed that this story differs wholly from the one which was told in the House of Representatives. He was not, according to his own story, hit by "several bullets" nor was he shot from a motor car by military police. There was in fact, even on his own story, a disturbance going on "two blocks" away. We have carefully investigated this case. The facts are that, at the time, there was something approaching pandemonium in that part of Mandalay. The military police, whose headquarters were at the Clock Tower, sent a patrol of military police in two buses accompanied by the District Superintendent of Police, the Deputy Commissioner, Major Tudor Craig and Mr. David, the Detective Inspector of Police. This party made a circuit passing through the Ayo-O-Gale Quarter on the way, eventually reaching Ywahaing Bazaar where the incident we have already dealt with occurred. On the way a mob was discovered looting a betel shop close to the Ayo-O-Gale Quarter. The District Superintendent of Police and his party got down from the buses and, after repeated warnings, the District Superintendent of Police himself fired his shot gun. A man was arrested. This must have happened very close to where Maung Yoke Shein lives. If we take a charitable view of Maung Yoke Shein's activities on this evening, then the utmost that can be said is that he was unfortunate to be hit accidentally by an S.G. pellet from the District Superintendent of Police's gun. We are quite satisfied that there was no case of deliberate shooting by any one at Maung Yoke Shein, unless, of course, Maung Yoke Shein was part of the mob looting the betel shop. We think the view we have taken is favourable to Maung Yoke Shein inasmuch as it would be equally consistent with the facts that Maung Yoke Shein was himself one of those who escaped by the back door of the two shops in the Ywahaing Bazaar during the disturbance there. We give Maung Yoke Shein, however, the benefit of the doubt and, in that case, he was accidentally shot in the manner we have described.

THE THAYEZE QUARTER SHOOTING.

This episode took place on the 31st of July at about 7 o'clock in the evening. For some reason, which we do not understand, it seems to be overlooked in the report of the District Superintendent of Police. The affair is of some importance, first because it resulted in the death of three men, Maung Pwa, Maung Ni and Maung Chit Maung of the Thayeze Quarter and, secondly, because it has been the subject of a determined representation before us that it constitutes an instance of police excess. We have, accordingly treated this matter judicially. The incident has already been the subject of an inquest by the Western Subdivisional Magistrate of Mandalay, in which in his report, dated 31st October 1938, he came to a conclusion which, in effect, amounted to an exoneration of the military police concerned. We do not, however, think that the matter has been altogether satisfactorily dealt with in the inquest proceedings. It was, we think, rather perfunctory and we cannot help feeling that it was not gone into with the thoroughness the importance of the matter required. The actual finding of the Magistrate who conducted the inquest was that two of the men died of gun-shot wounds and that the third died of pneumonia resulting from a gun-shot wound and that these wounds were "inflicted while they were

The Thayeze Shooting not, in our opinion, justified.

advancing in a mob to attack the military police patrol party during the recent riots." If, as the Magistrate's finding would appear to indicate, it was a question of self-defence, then it would have been far better if he had said so plainly. If, on the other hand, it was a case in which the police fired in the lawful exercise of their duty to disperse an unlawful assembly, it should have been so stated. However, that may be, it has been our duty to examine the whole case *de novo*. We start by setting out the military police version, which the Western Sub-divisional Magistrate of Mandalay thinks satisfactory, as it was given in the inquest proceedings and as it has been repeated before us. It must be conceded that on the 30th and 31st of July there did prevail in Mandalay a state of widespread lawlessness and that, so far as the surrounding circumstances are concerned, the story told by the police of their shooting at an armed and dangerous mob advancing upon them is by no means unreasonable. The actual story told is that, on the 31st of July between 6-30 and 7 p.m., a party of twenty-five military police under a Jemadar were ordered to go out in two buses to Dyer Meakin Road in the Thayeze Quarter not far from No. 19 Police Station because there was a commotion going on there. When they got there it is said that the buses stopped two or three hundred yards from No. 19 Police Station and ten men got out. They were drawn up in a line across the road in the face of a crowd of Burmese including many *pongyis*. The crowd is said to have numbered fifty and to have been armed with *dahs*, sticks, stones and other weapons, and they threw stones at the police. When they had advanced to a distance of twenty yards from the police party, they were ordered to disperse by the Jemadar. But, in spite of this and several further warnings, they continued to advance. The Jemadar then says that he fired his revolver at the advancing mob and dropped the leader. Some of the crowd thereupon ran away but a few, about a dozen or so in number, continued waving their *dahs* and sticks. Four of the military police were, thereupon, ordered to fire one round each as a result of which two other men fell. This is the version of the firing as told by the Jemadar of the police party, the Havildar and two Lance Naiks. Standing by itself it is, of course, an intelligible story and its effect might be, if true, to justify the shooting.

But the villagers of the neighbourhood tell a story which differs completely from the police story and we regret that we can find no means of reconciling them. We do not propose to give in detail the evidence of each of the numerous villagers who have given evidence before us but it is sufficient if, as in the police story, we give the substance of it. It is said that the three men in question, immediately before the occurrence took place, were standing at the entrance to the house or compound of a certain gharry driver, Ko Aung. The two police buses are said to have driven up and stopped almost immediately outside the gate. In addition to the three men and Ko Aung talking at the gate, Ko Aung's wife was also present sitting just outside the doorway of the house. A moment or two before this a shot was heard at some distance in a southerly direction accompanied by some commotion. The three men, Maung Pwa, Maung Ni and Maung Chit Maung, standing at the gate talking to Ko Aung, heard the shot and being frightened bolted into the house. At this moment the police buses drew up, the men left and pursued Maung Pwa, Maung Ni and Maung Chit

Maung into the house. The next thing was that four or five shots were heard from the *inside of a room of the house*. And "an officer" (resembling a Jemadar) was seen to go in and more firing occurred from inside. One Burmese witness who was arrested nearby and brought to the gate at the time goes so far as to say that he saw the military police *inside* the house bayoneting someone. That, in outline, is the story of the Burmese witnesses. The result is that there are two stories which are quite irreconcilable.

We concede that on the face of it it is extremely difficult to believe the story of the villagers in its entirety. We have, therefore, to test the two versions as best we can. It is the medical evidence in the case which has enabled us, as we think, to detect the truth. The three men were taken to hospital from the house at 8-30 that night in one of the police buses. When they got there they were examined by the Sub-Assistant Surgeon. Maung Pwa was dead when he arrived. Maung Ni died at 10 p.m. and Maung Chit Maung died on the 5th of August. *Post-mortem* examinations were held on each of the three bodies. Maung Pwa and Maung Ni's bodies were examined on the afternoon of the 1st of August and Maung Chit Maung's body was examined on the day he died—the 5th of August. We have not been content with the medical evidence as recorded in the inquest proceedings but, to be sure, we have taken it again. Maung Pwa had six wounds one of which, an incised wound on the knee, the doctor is positive was caused by a sharp weapon and not by a bullet. And he says that it is impossible that it was caused by being dragged along the ground. His other wounds were caused by gun shots. As to Maung Ni he had two wounds. The first was a bullet wound. But the singular thing is that the point of entry of the bullet was on the left lumbar area, that is to say almost in the middle of the back. The doctor has pointed out to us where it was and the conclusion cannot be avoided that the bullet which effected this wound was fired from behind Maung Ni. His second wound is even more singular. It is described as "an incised wound, one inch by three quarters of an inch penetrating (stab wound) three and three quarter inches below the left nipple." The doctor has said with certainty that this was not caused by a bullet but by a sharp instrument, probably by a bayonet. This wound lacerated the heart. In the case of Maung Chit Maung he suffered five wounds in all, one of which was from a bullet entering *behind* his left ear and coming out through his jaw. This too is only consistent with his having been fired at from behind. Try as we may, it has been impossible for us to reconcile the story as told to us by the police with the evidence of the injuries suffered by the deceased men. The police story is that the men were fired upon *as they advanced* and, moreover, they were killed by bullet wounds and nothing else. In view of the medical evidence, we cannot accept it that their wounds which were not bullet wounds were caused by their being dragged out of the house. Neither can we accept it that they were caused by falling upon their own weapons. Though we are not satisfied by the story told us by the villagers, we are bound to say that we are equally dissatisfied with the story as told to us by the police.

In our view, however, the fact that the police have not told us the truth is established by the evidence of the Police Station Officer of No. 17 Police Station, a witness who does not seem to have been

effectively examined by the Magistrate. He produced to us a copy of his own diary written to the Headquarters Assistant of Police on the day after the occurrence. This document came into existence as soon as he heard of the event on the following morning and he compiled it on the report of Maung Ba Chit, who was the detective constable on duty at the police station. It seems to us that there is no doubt that this was actually reported at the police station. It runs :—

“ No. 19 P.P. ” (No. 19 Patrol Party). “ Also reports that they received information that three men named Maung Chit Maung and Maung Ni of Amaratani West and Maung Pwa of Nyaungwe Village were shot by a party of Military Police at Thayezay and they were taken away. The information was that the three men with others were found sitting on the road when the party came and when challenged the men ran away.”

This is utterly inconsistent with the police version that the men were shot while part of a mob making a determined attack upon them. On the contrary, it is consistent with the wounds they actually received. It is consistent with the gun shot wound through the back of Maung Ni and through the back of the head of Maung Chit Maung. We regret that we cannot accept the story told us by the Military Police that they shot these men while they were advancing towards them to attack them. On the other hand, we cannot accept the story as told to us by the villagers. We think we ought not to speculate as to what the truth really is, in view of anything that may follow. But we think we know.

Discarding, as we reluctantly feel bound to do, in its entirety, the story of the police and accepting upon the evidence of the report made at the police station, the truth of the story that the men were shot and bayoneted after running away, we find it difficult to justify in this case the action of the policemen who caused the death of these three men. It is possible that, if the police had been content to tell the truth, there might have been something to justify their action. But upon the facts as we have been bound to find them, we can only assume that the three men were fired upon as they ran away. We think that this is a case which ought to be followed by such further proceedings as are appropriate. It is not for us to suggest what they should be. We desire, however, to point out that nothing we have been obliged to say in this report ought to be taken to prejudice any other enquiry which may be conducted into this matter.

AMARAPURA SHOOTING.

The Amara-
pura
Shooting
was justified.

Ma Pwa May of Sanywe Village made an application to the District Magistrate to the effect that on the 2nd of August while her son, Maung Lwin, was sitting on the bank of a creek, east of Yatanaku Pagoda, he was shot dead by the Circle Inspector of Police, Amarapura, and some police officers. By another petition, Ma Htin alleged that her husband, Maung Ba Thein, was shot dead on the same day by the same Circle Inspector of Police and the military police, at about 3 p.m. in Dagan Village when Maung Ba Thein went out of his compound to find out the cause of a commotion. Both these petitions were referred to us for enquiry.

The Western Subdivisional Magistrate of Mandalay held an inquest into the death of Maung Ba Thein and Maung Lwin and came to the finding that Maung Lwin died of an incised wound inflicted by an unknown person and that he was a member of a dangerous mob and that Ba Thein died of a gun-shot wound inflicted while advancing to attack the police party during the recent riots at Amarapura. The facts of the case are these.

Communal disturbance broke out in Amarapura between Burmans and Muslims on the 31st of July, when there was widespread looting of Muslim shops, not less than ten Indian shops being sacked by a crowd of Burmans including *pongys*. The military police had to be requisitioned on the 1st of August and the District Magistrate and the District Superintendent of Police visited the place and the former found it necessary to promulgate an order under section 144 of the Criminal Procedure Code, prohibiting assemblies of more than five persons in public places. On the same day a crowd of a hundred and fifty persons, including *pongys* and Burmans went to Bon O Village, inhabited mainly by Muslims, and had to be intercepted and dispersed by the Township Officer. On the 2nd of August, four Indians (Habibullah, Mani, Abdulla and Ko Tok, all of Bon O Village) went to work at a fishery at Taungthaman Village. While working there, they saw a crowd of eighty persons including *pongys* and Burmans and heard them threatening to kill some Indians. They ran towards their village but on their way saw a crowd of twenty Burmans and *pongys* waiting on the Pabe bridge. U Pwin Hlaing, the *thugyi*, and U Shin called them and took them, as they said, for safety to the *thugyi*'s house where they found another Indian by the name of Yasin tied with a rope. After their arrival, a mob of between four and five hundred people including *pongys* and Burmans came and surrounded U Pwin Hlaing's house. Mani was dragged down and speared and cut with *dahs* by a number of Burmans and his dead body was dragged towards the Pabe Creek. On seeing this, Habibullah, Yasin and Abdulla all escaped from U Pwin Hlaing's house to Bon O Village where they told people that Mani had been murdered. While this disturbance was going on, the *thugyi*, U Pwin Hlaing, went to the Circle Inspector of Police, U Aung Tun, and told him that a mob consisting of many *pongys* and laymen had murdered Mani, a Zerbadi, and that they were assaulting three other Zerbadis at his house. The Township Officer, Kin Maung Lwin, and the Circle Inspector U Aung Tun accompanied by a party of civil and military police then went to Bon O arriving there at about 9-30 a.m. When they got there, they found groups of persons moving about and some trying to hide themselves. Six people, including a history sheet criminal by the name of Maung Chit Tun, were arrested on suspicion. The dead body of Mani was found at the edge of the creek at the eastern end of the Pabe bridge.

On the opposite side of the bridge, there was a crowd of at least five hundred, including *pongys* and laymen, armed with all sorts of weapons such as *dahs*, spears and sticks. They were shouting and yelling and jeering at the police. The Circle Inspector of Police distinctly saw one man in the crowd dancing with two *dahs*. Just then, another crowd of about seventy or seventy-five Burmans armed with

various weapons appeared and threatened the rear of the police party. The Township Officer shouted to the original crowd to disperse but they refused. He then, with a party of police went on to the bridge, while the crowd continued to shout without paying any heed to his repeated warnings. They showed signs that they were about to attack the Township Officer and his party and four or five Burmans armed with *dahs* suddenly stepped on to the bridge and advanced towards him, while others made attempts to follow. The Township Officer again shouted to them to disperse but they took no notice. On this the Township Officer himself fired two rounds at them with his shot gun. The police party also opened fire and the crowd dispersed among the trees.

By that time the other smaller crowd which was threatening the police from the rear was only about a hundred yards away. The Circle Inspector, U Aung Tun, and his party consisting of Naik Tun Yin and a few sepoys and constables, moved towards the south and came face to face with the mob when it was only about forty yards from them. The Circle Inspector shouted to them to disperse and many of them fled. However, a history sheet criminal, Ba Thein, advanced towards the police party with a *dashe* in his hand. The Circle Inspector again shouted to him to go away many times. By this time some of those who had fled had returned to join Ba Thein and, to the number of ten or fifteen, followed him, all armed with *dahs*. The Circle Inspector took out his revolver; but before he could fire, Naik Tun Yin fired once with his rifle and Ba Thein dropped dead. The others fled. When they arrived at the Police-station at Amarapura, the Circle Inspector checked the ammunition and found the following:—eight rounds of '303 rifle cartridges had been used by the military police; three rounds of '410 cartridge had been used by the civil police; two cartridges, 12 bore, had been used by U Kin Maung Lwin, the Township Officer and four cartridges, 12 bore, had been used by head constable, Maung Tin Nyun.

Eventually Maung Lwin's dead body was found on the other side of the Shwelaung bridge in a *pongyi-kyaung* compound about ten yards away from the bridge and Ba Thein's dead body was obtained from his house to which it had been moved by his companions.

We have heard four witnesses produced by Ma Pwa May to support the case put forward in her written allegation before us. It will be remembered that the allegation was that Maung Lwin was shot while "sitting" on the bank of the creek. These witnesses made no attempt to support that story. The first of them⁽¹⁾ has told us a story of his having gone with Maung Lwin and another man to the Yatanaku. *kyaung* and, when within twenty-five yards of the bridge, turned back. He says that there was no crowd but that, after they had turned back, they heard some shots and immediately afterwards Maung Lwin was shot in the back as he ran away. The next witness⁽²⁾, who was the other of the three men, supports this evidence. He, too, denied that there was any crowd. The next witness⁽³⁾, while admitting rioting at

(1) Mandalay witness No. 98.

(2) Mandalay witness No. 99.

(3) Mandalay witness No. 100.

Pabe Village, did not see what happened to Maung Lwin. The last witness⁽¹⁾ is the presiding monk of the Yatanaku *kyauing*. He too did not see what happened but only saw Maung Lwin when he reached his *kyauing*. He said he heard the gun shots.

This evidence, such as it is, is a complete contradiction of the allegation put forward by Ma Pwa May herself to us. Also it is a complete contradiction of the medical evidence, which must be true. That evidence is that Maung Lwin died, not from a bullet wound, but from an "incised" wound. There is no evidence we can accept that this man's death was caused by the police at all. We are satisfied that the whole of this story is sheer invention.

As to Maung Ba Thein, he is a well-known history sheet criminal of the village. His death alone saved him from prosecution in the case of Mani's murder. We do not believe the story told us ⁽²⁾ that Maung Ba Thein was shot by a police officer when looking out of his house in Daga Village. On the other hand, it is quite clear that he was shot while advancing on the police among the crowd at the bridge. In our opinion it is conclusively established that he was among the party which attacked the police from the rear and that he was shot in self-defence while attacking them. Neither of the allegations against the police in these two cases has been established.

COMPLAINTS OF ILLEGAL ARREST.

Many complaints have been made to us of illegal and indiscriminate arrests by the police in Mandalay. We have investigated them all. They fall into groups of arrests made in the several quarters and can conveniently be dealt with quarter by quarter.

The allegation is that four men were arrested while sitting in front of their houses in the Htinwin Quarter. We have traced these cases through No. 16 Police Station and have verified the facts. We find that these men were arrested on the 30th of July at 9-15 p.m. near the Telegraph Office. They were among a party of fourteen or fifteen found in a crowd carrying arms consisting of five iron rods, two hammers, clasp knives, five *damas* and a number of sticks, all of which were

(1) Arrests in the Htinwin Quarter. 30th July. (2)

(1) Mandalay witness No. 104.

(2) Mandalay witnesses Nos. 95, 96 and 97.

(3) The arrests in this quarter and in the Inbe Quarter which we deal with next were the subject of charges made against the Mandalay police by U Ba U, M.H.R., in a speech in the House of Representatives, of which we set out the relevant portion below :—

"Another instance happened like this. Two batches of Burmans were cooking rice for offerings in the early morning. You know, Sir, it is a time-honoured custom in Mandalay especially during Buddhist Lent to get up very early in groups and cook for offerings to *sanghas* whoever pass before their house. These are called *Ayondaws*. One *Ayondaw* batch was cooking rice early morning in Inbe Quarter, and when the military police arrived that morning they were arrested and taken away. Their names were Maung Toke and seven others. I have got the list here. The second batch of *Ayondaws*, numbering about eight, were cooking rice in Htinwin Quarter for offerings in the early morning. They were headed by U Soe Maung. They all were arrested and taken away. That was an outrage on the devotees of Buddha."

brought into the police station. There has been no suggestion made before us by either of the two arrested men themselves that they were cooking rice as was alleged in the House of Representatives. We have succeeded in identifying the officer in charge of the patrol party which effected the arrests. He has told us that the men formed part of an armed party who endeavoured to escape on the approach of the police and that they were arrested accordingly. In this case the men were charged under section 144 of the Penal Code but their cases were withdrawn before they were heard. We can come to no other conclusion but that U Ba U, M.H.R., has been misled in making these charges against the police.

(2) Arrests
in the Inbe
Quarter.
31st July.

We have investigated both these episodes. We have heard the evidence of all the eight men who are said to have been improperly arrested in the Inbe Quarter. They are in fact, as the Honourable Member of the House of Representatives, alleges Maung Toke and seven others. But their story to us differs widely from what was alleged in the House. It is not that they were cooking rice but that they were sitting and drinking tea in a chow-chow shop at 9 o'clock at night and that while so engaged, a party of military police in two buses descended upon them and took them away under arrest for no apparent reason. The incident, therefore, neither occurred in the morning nor were the men *Ayondaws*. We have traced the case through No. 15 Police Station. The First Information Report says that the eight men in question were arrested by a patrol while going round the Inbe Quarter because they formed part of an armed crowd. We have also identified and examined the Jemadar in charge of the police party which actually effected the arrests. The men were arrested at 9 p.m. on the 31st of July in the road shouting and in possession of arms. Their arms were actually taken from them and deposited at the Clock Tower. We are satisfied that this is the correct version of the affair and that there is no truth whatever in the story that the arrested men were at the time drinking tea in a tea shop. They were subsequently charged first under section 144 and later under section 143 of the Penal Code but their cases were withdrawn before they were heard.

(3) Arrests in
the Nabekyu
Quarter.
31st July.

This quarter lies immediately to the north of Saingdan Quarter which was one of the most disturbed quarters of Mandalay. The story told us by our Mandalay witnesses Nos. 120 to 126 inclusive is that on the 31st of July at about 10 p.m. a party of military police came, forced people out of their houses and arrested them without rhyme or reason. Three men in particular ⁽¹⁾ appeared before us and complained of what they describe as "illegal" arrests. The first says that he was dragged out of a taxi in which he was peacefully sleeping. The other says that he was sitting in his grand-father's house when he was arrested. A third man, a blacksmith, also complains that he was arrested at the same time. We have investigated these incidents and have traced the party that made the arrests and the police station through which the arrested men were passed. It seems that a number of men, including those who have complained to us, were caught in the act of attacking a house in the quarter and were forthwith arrested. They were subsequently charged under section 144 of the Penal Code. When arrested they had weapons in their hands. We have been unable to find any

(1) Witnesses Nos. 121, 123 and 124.

ground upon which the arrests in this case were improper. In connection with this incident we have also obtained the evidence of Ma Kyway, a middle aged resident of the quarter, who had the misfortune to be hit by a bullet in the hand while sitting in her house⁽¹⁾. We have no doubt whatever that this lady was injured in the way and in the circumstances she describes. The fact is that she had the misfortune to be hit by accident, in all probability by a ricochet. It is, as we have said before, one of the deplorable features of civil disturbance that innocent people are made to suffer. Ma Kyway was one of them. But for such an incident as this it is manifestly unfair to blame the police. Blame lies, in justice, on those who caused the riots.

The charge made in this case is that four men, Maung San Mya, Maung Thwin, Maung Myint and Maung Saing, were all arrested while preparing food for *pongys* at between 7 and 7-30 p.m. on the 31st of July⁽²⁾. These arrests, of course, took place at the height of the disturbances in Mandalay. The arrested persons were sent to No. 8 Police Station. We find no evidence which would warrant us in reaching the conclusion that this was a case in which there was any impropriety in the arrests made. We understand that cases were opened against these men but subsequently withdrawn before trial.

(4) Arrests in the Kyenan-win Quarter. 31st July.

This case is a very extraordinary case in which it is alleged that no less than forty persons who were sleeping peacefully in their houses at about 10 p.m. on the 31st of July were awakened by the military police, ordered to come out, and for no apparent reason arrested and sent to No. 6 Police Station. We are told they included even school boys and old men but that these were released at once. Of the remainder five⁽³⁾ have appeared before us and made specific complaints. They were among those who were subsequently charged under section 144 of the Penal Code which was later altered to a charge under section 143. Their cases were never heard as they were ultimately withdrawn. The arrests took place on the night when the disturbance in Mandalay was at its height and the police have admitted, in our view rightly, to taking every possible step they lawfully could to restore order and clear the streets of dangerous gangs collected in breach of the current order under section 144 of the Criminal Procedure Code. We have succeeded in tracing through No. 8 Police Station the record of the arrests of the thirty or forty men in question, including those who have appeared before us in this case. We have verified the fact that they were arrested, not as they allege while engaged in peaceful occupations in their houses but in a riot. We have, moreover, succeeded in tracing the Jemadar of the party of military police who made the arrests. He tells us that his patrol while patrolling the Gondan Quarter met this crowd shouting in the street. It is true that there is no evidence that they were in possession of arms. But on seeing the police they fled. The Jemadar and the police party then turned away but he was told by an Indian boy that the rioters were hiding in and among the houses. The Jemadar returned and searched the houses and arrested the inmates.

(5) Arrests in the Gondan Quarter. 31st July.

(1) This also was mentioned in the speech of U Ba U in the House of Representatives as an alleged case of police excess.

(2) It is possible that U Ba U, M.H.R., confused these arrests with those in Htinwin and Inbe Quarters.

(3) Witnesses Nos. 168 to 172.

No weapons were found in their hands, but *dahs* were found in their houses. We cannot regard this as an instance of police excess. It was vital to restore order in Mandalay. The crowd in the first place was in plain disobedience of the order under section 144 of the Criminal Procedure Code and the Jemadar, in our view, on being told that the crowd had scattered into hiding in and among the houses in readiness to collect again as soon as the coast was clear, did no more than his duty in conducting a search and arresting those whom he suspected of participation in the disturbance.

(6) Arrests in the Shwegyidoe Quarter. 1st August 10 p.m. (1st Group).

In this case the police at about 10 o'clock on the morning of the 1st of August are alleged to have searched a number of houses in the Shwegyidoe Quarter, to have dragged men from their houses, kicked them and arrested them for no reason. Four men ⁽¹⁾ have appeared before us with others to give evidence of this incident. Their story is that about the time in question there was a considerable commotion going on in the Indian quarter next door to the Shwegyidoe Quarter. They say that about ten minutes later the military police came "galloping" from the Indian quarter to the Shwegyidoe Quarter and that they themselves with the other inhabitants of the locality went indoors and shut themselves in their houses. There then, according to their story, took place a search of their houses and they were made to open them. Men and even women were made to come down and the police, thereupon, arrested indiscriminately anyone they chose. It is obvious on the face of it that this is a highly exaggerated story for it appears inconceivable that the police should go and make indiscriminate arrests for no reason whatsoever.

7) Shwegyidoe Quarter. 1st August 10 a.m. (2nd Group.) ⁽²⁾

A second group of witnesses from this quarter have also given evidence of what they call illegal arrests. Our Mandalay witness No. 157 was a young man who at the time purported to be a *pongyi*. The facts, however, are that he only became a *pongyi*, according to his own story, in June 1937 in view of the fact that a fortune-teller had told him that he would be sent to jail. He was a tailor by profession. For that reason he seems to have abandoned his business and to have entered the *sangha*. This person has told us that while he and certain other *pongyis* were having tea at his *kyaung*, the Dhamayon *kyaung*, at 10 o'clock in the morning a party of military police came. He, the presiding *pongyi*, whose name is U Thumana, and another *pongyi*, U Khemeinda, were, they say, dragged out of the *kyaung*, asked whether they had *dahs* and, notwithstanding that they had not, arrested on the spot. Then he said that certain coolies who were having food in the *zayat* were also arrested and beaten. The whole party were taken off to No. 11 Police Station and eventually sent to the jail.

Both these stories of what happened in the Shwegyidoe Quarter on the 1st of August are, on the face of them, incredible and we have been at some pains to find out what the truth really was. The facts are that

⁽¹⁾ Witnesses Nos. 149, 150, 153 and 155.

⁽²⁾ This was referred to also in the House of Representatives and was represented as being a case of sacrilege by the police upon the Dhamayon *Kyaung* and as a "molestation" of peaceful *pongyis*. It was no such thing. The two *pongyis* who have been referred to in evidence before us, namely U Thumana and U Khemeinda, and also one of the witnesses who has given evidence to us are referred to by name and there is, therefore, no doubt that it is not the same incident as the one we deal with.

these men including the three *pongyis* were part of a batch of twenty men who were brought under arrest to No. 9 Police Station on the early morning of the 1st of August. Admittedly after the disturbance of the previous night the military police were patrolling the streets and arresting unlawful assemblies of men who were congregating on the roads with arms in their possession. We have examined the officer who was in charge of the party which effected the arrests. The truth is that there was a crowd on the road near the Dhamayon *kyaung* near which spot a Punjabi had been attacked. The crowd was in possession of *dahs* and other weapons and included a number of *pongyis*. The military police patrol which came along the road succeeded in surrounding them and captured a number of them with their weapons. They were first told to disperse but refused and, thereupon, they were arrested and taken, with their weapons, to the police station where the weapons were actually deposited. This batch of men whose names we have traced through the police station includes the *pongyi* and arrested laymen ⁽¹⁾ who have given evidence before us. We are quite satisfied that this is the truth of the story and that the men in question were perfectly properly arrested. They were never brought to trial as they were released before their trials could take effect. We are satisfied that this was a case in which the police did their duty in arresting and disarming a dangerous crowd which included the *pongyis* in question.

These are said to have taken place between 7 and 8 p.m. on the 1st of August. We have had three witnesses to complain of these arrests. Two speak on hearsay. The other was one of those arrested. He says that he and two others were arrested while answering "a call of nature". We have traced these cases through No. 9 Police Station and we have examined both the Police Station Officer and the Havildar of the military police who made the arrests. The complainants were in fact arrested at about 8 p.m. They were all members of an armed party which was parading the streets with *dahs*. Their weapons were actually taken from them and deposited in No. 6 Police Station. They were charged under section 144 of the Penal Code but their cases were withdrawn before they were heard.

(8) Arrests in the Shanbwe Quarter. 1st August.

The next series of matters to be dealt with are the complaints made by Indians and Zerbadis with regard to the inactivity of the police. Here, as elsewhere, we have met with allegations, some of them no doubt true, of policemen standing by while rioting went on. We propose to deal with the matter generally while dealing with the police force as a whole. One particular case, however, must be mentioned. It has been stated by the officials that on the 1st of October, when the Jemadar of Steel Brothers & Co., Ltd., was killed by *pongyis*, two police constables were actually at or very near the scene and took no steps at all to help him. Departmental action, however, has been taken against them and we believe that they have been dismissed from the force.

Complaints of Indians.

The killing of the Jemadar of Steel Brothers.

The other charges, apart from general complaints that the Indians did not receive the protection which they should have had, are that the complaints made by Indian victims were not recorded at the police

(1) Witnesses Nos. 159 and 161.

stations. Moreover a vehement protest was made before us with regard to the picketing of Indian, and particularly Muslim, shops. As the matter is an extremely serious one we propose to deal with it under a separate heading.

**Causes at
Mandalay.**

The causes of the disturbances at Mandalay are more or less the same as those which operated in other places in Burma. They, however, took a more violent and vicious form as Mandalay provides a larger number of younger *pongyis* who feel it incumbent upon them to sponsor discontent. U Aung Thin, the leader of the Zerbadis, has put forward a most reasonable memorandum before us in which he expresses the view that intervention by *pongyis* in the politics of the country has not been a healthy influence. He considers the cause of the riots was political due to the unpopularity of the Ministry and to the activity of the opposition. He thinks that *pongyis* have been dragged into the riots by politicians and that the newspapers played a prominent part in fomenting trouble. Witnesses have pointed out to us some most immoderate and dangerous articles in newspapers, particularly in the *Mandalay Sun*, where Burmans were urged to wipe out the minorities. Articles were also published under the heading "What are the people in Mandalay doing ? (1)". We have met here and elsewhere this appeal to local pride, as if the fact that no riots had taken place was itself something of which the locality should be ashamed. Inactivity of the people of a peaceful town was made a taunt. Rumours of the usual type were also freely circulated and received credulous belief, thus increasing tension and making return to normal conditions impossible. Some Burmese witnesses have also been called to tell us of the specific causes of the riots. These witnesses had been cited in groups to speak to some incidents which were characterized as, but, in our opinion, were not, causes.

**Shooting by
Bhai Bhai.**

We are told that a shopkeeper near the *payagyi* had a quarrel with *pongyis* and that he fired his gun from the first floor of his house on a crowd of Burmans and hit our witness No. 101. Both he and his wife (2) were returning from the *payagyi* when he was hit by a few pellets. He says he saw a gun fired from Bhai Bhai's house. These witnesses do not give the time of the firing, but as stated above the official version is that it took place in the evening on the 30th of July. It would seem that some *pongyis* had attacked Bhai Bhai's shop which was damaged. The owner who has a licensed gun then fired on the crowd from the first floor where he and his family had taken refuge. If the fact is remembered that attacks on Indians had commenced on the previous day and that disturbance had continued since the attack in the Saingdan Quarter, it will be seen that the suggestion that the riots occurred at Mandalay owing to the shooting from Bhai Bhai's house cannot be true. The Deputy Commissioner and the District Superintendent of Police are of the view that this was not a cause of the riots. In short, this incident was no more than an incident. The official view appears to be that the shooting was in self-defence and justified.

(1) *Mandalay Sun*, 5th October 1938.

(2) Witness No. 102.

Rioting recommenced on the 25th of August. Three witnesses ⁽¹⁾ have appeared before us and have deposed to being eye-witnesses of an incident which took place at about 1.45 p.m. at the tram depot near the Zegyo Bazaar on the 25th of August. They say that they saw an *Upazin* run into the tramway depot with a head injury and that he said that he was cut by an Indian at a plate glass shop near the Clock Tower. To this they attributed the beginning of the second riot. This incident is not mentioned in the Deputy Commissioner's report. But it is, perhaps, the incident referred to above of an assault by a Zerbadi on one of two *pongyis*. We have, however, evidence that this was not the first incident on this day. As we have stated above, a number of assaults and cases of arson had taken place practically from the early hours of the morning. Consequently, we cannot agree that this was the cause of the riots on that day although there can be no doubt that this was an attempt at retaliation by a Muslim.

Alleged
cause of the
riot on 25th
August.

Three respectable witnesses ⁽²⁾ have told us about the funeral procession on the 1st of October which is mentioned at page 3 of the Deputy Commissioner's report. That was the morning upon which a Muslim bill collector employed by Messrs. Steel Brothers & Co., Ltd., was murdered by a *pongyi* in broad day light. He was buried in the evening. By this time Muslim funerals had become the object of frequent assaults by Burmans. In the afternoon the funeral procession gathered consisting of between a thousand and fifteen hundred Indians. We are told that many of them were armed with sticks, iron rods and *dahs* and in this condition accompanied the corpse to the Mahomedan cemetery. We are told that, on the way back, there was a certain amount of rowdiness in the crowd and that some of them went so far as to throw stones at the Infant Welfare Society's building and also at a house. We are prepared to accept this incident as a fact. It is one of the few instances which we have come across in the whole course of our tour in which there has been anything in the least aggressive on the part of the Muslims. We do not doubt that it was a demonstration to express the feelings of the Muslim community at the murder in the morning. We are told that it served to increase the tension in Mandalay but we cannot seriously regard it as a real cause of the incidents which continued to occur. We mention it, however, for its interest as one of the very few cases of any aggressive action on the part of the Indian community. Even in this case it amounted to very little.

Alleged
cause of the
riot on 1st
October.

Lieut.-Col. R. W. Barker, who was the Commissioner of the Mandalay Division during the riots, gave evidence before us on our return to Rangoon. He has also filed before us a special report of what steps he took to ensure peace. He concentrated his efforts, and if we may say so commendably, on obtaining the co-operation of the *Sayadaws* and elders in ensuring peace. He made an emotional appeal to the precepts of Buddha of which he reminded the *Sayadaws*. We have no doubt that the *Sayadaws* themselves were impressed and promised their assistance. On the 2nd of August a Peace Committee was set up to help in bringing about an end to the disturbance. Unfortunately, however, the Mandalay *Sayadaws* exercise little influence or control over the unruly element of the *pongyis*. The Peace Committee also

Peace efforts
of the
Commis-
sioner.

(1) Mandalay witnesses Nos. 173, 174 and 175.

(2) Mandalay witnesses Nos. 176, 177 and 178.

was not very active and trouble again took a serious form on the 25th of August. Another and larger Peace Committee was then organized. All the *kyaungdaiks*, about two hundred in all, were visited and great efforts made to restore normal conditions. The work of this Committee may well have had the effect of reducing the number of incidents. Sunday the 3rd of September was set apart for thinking right thoughts and making right resolves. About the middle of September forcible picketing of the Zegyo commenced and in spite of the efforts of the Peace Committee has continued. On the 29th of September two Indian employees of the Burma Electric Supply Company while attempting to repair a broken lamp were cut by Burmans and the incident of Steel Brothers' Jemadar took place on the 1st of October. Again with the assistance of the Commissioner a sort of peace was restored to be broken only by the incident at the funeral on the 4th of October. The Commissioner states that throughout the period of tension he felt that there was an influence at work which he believes to be political. He says that there was a very small minority of *pongyis* and laymen who did not want to see the right thing to do or at any rate who did not want to do it and adds "in Burma a few resolute people of bad character can easily terrorise a great number of people of good will. The ordinary law then ceases to function because people will not risk making complaints to the police".

**Mandalay
picketing.**

In Mandalay a very serious situation has arisen, and still continues, by reason of the determined, and often violent, picketing of Indian, and chiefly Muslim shops. It has taken the form of *pongyis* being stationed in front of shops or walking about the Zegyo, which is the central market of Mandalay, who make it their business to prevent Burmans and others as well in Burmese clothes from patronizing these shops. Wide propaganda has been spread enjoining upon the Burmese a duty to patronize Burmese shops only. The whole city has been placarded and even special "licenses" or posters have been issued by *pongyis* for display in shops which may be patronized. If any Burmese man or woman is found buying at shops other than those permitted, the purchaser is liable to be caned or otherwise assaulted and, if a purchase has been completed, the goods are returned to the shop-keeper who is made to refund the price. Side by side with this, the command has gone forth that women shall not wear thin muslin coats. If they do, they are torn off from their backs by *pongyis* with hooks or scissors. It is obvious that this is a well planned and determined attack on the right of a minority to carry on their lawful business. It is, moreover, in the manner in which it is carried out, unlawful. It is open, perhaps, to any one to preach that certain shops only should be resorted to for business. But when large numbers of *pongyis* are systematically stationed outside particular shops and, not only by words but by force and with impunity, prevent British subjects carrying on their trade and dictate to them what they shall wear, we think that liberty has almost ceased. A number of most respectable Indians⁽¹⁾, both Hindus and Muslims, have come before us to complain. Their spokesman was an elderly Bengali gentleman who has lived at Mandalay for forty years. He says that violent picketing went on for about two months until it became unbearable. As a result of representations, the gravity of the situation seems:

(1) Witnesses Nos. 40—44.

to have been realized and early in November, section 7 of the Criminal Law Amendment Act was applied to Mandalay. This had the desired effect and picketing ceased at once. The Commissioner gave it as his considered opinion that the application of this section was the correct and only answer to the challenge. Immediately on the promulgation of the order an agitation began. Burman stall keepers left the Zegyo and opened their stalls in the precincts of the Eindawya Pagoda. Processions were taken out and Ministers were interviewed. As a result of this agitation, the order was withdrawn. We are told that the withdrawal was unconditional and that no assurance was given that picketing would not begin again. We have reason to believe that this step was taken against the advice of senior officers on the spot. Shortly after this, the picketing which had ceased began again with all its former force and, we believe, it still goes on. Its effect has been to reduce the Indian traders to a condition of despair. Our witnesses Nos. 45 to 48, all Zerbadi women stall-keepers, have told us of what is taking place and have bitterly complained of the interference with their means of livelihood. They, and other witnesses, say that the picketing is being carried on at the instance and with the help of the Burmese shopkeepers themselves and for their benefit. To this is added the complaint against Burmese police constables stationed at the bazaar that they connive at picketing and sometimes actively assist the picketers. We have received no official confirmation of this. We are inclined to take the view that this may have taken place in some few cases but that it is not generally true.

We have drawn attention to what is going on in Mandalay because we think, and we do not fear to say, that, in our view, it is not right that British subjects should within the British Empire suffer practices such as these; nor that law, order and authority should continue to be defied. We have mentioned these facts only in reference to Mandalay but proof is not lacking that this form of persecution of a minority has spread and may spread further.

CHAPTER XVI.

The Tharrawaddy District.

The last district to be visited.

The Tharrawaddy District is the last of the districts we have visited. We had intended to deal with it by reaching it from Prome in the course of our tour up the river but this proved impossible owing to pressure on our time. As might have been expected, the district did not give a creditable account of itself during the disturbances, if only because it has a list of casualties ⁽¹⁾ larger than any other outside of Rangoon. We have had to spend a week in the district and during that time we have investigated a number of important events.

Tharrawaddy Town.

As far as the town of Tharrawaddy is concerned nothing very much happened. On the 29th of July, however, two Mosques in the town were attacked and damaged, the holy books of one of them being thrown into the local drain. On the 31st of July the only real rioting in Tharrawaddy town took place. Early in the morning at about half past seven the bazaar was attacked by a large crowd of Burmans and extensive damage was done. The attack was concentrated on the Indian stalls which were systematically smashed and two or three Indians themselves were injured. The police, however, were quickly on the spot and the matter ended. No complaints are made against the police in respect of this incident and, therefore, so far as Tharrawaddy town itself is concerned our task has been a very easy one.

Thônzè.

Thônzè.

More serious, however, were the disturbances at Thônzè. This is a town, larger than Tharrawaddy itself, situated two or three miles away to the south. It has, we are told, some seven or eight thousand inhabitants including a considerable number of Indians. Here rioting took place on the 29th, 30th and 31st of July and on the 1st of August. On the 29th a mob entered the town and threw stones but were dispersed when civil and police officers got to the spot. On the 31st of July there was a more serious disturbance when large crowds from the town itself and from the neighbouring villages collected, armed with sticks, *dahs* and other weapons and endeavoured to break into the bazaar. A particularly concentrated attack appears to have been made upon a group of Indian shops near the Thônzè railway station, some distance from the town, during the afternoon. We have received an account of this matter from one of the Indian shop-keepers concerned ⁽²⁾ and from this, if it is true, it would appear that the attack on his and other shops started at about 2 p.m. and did not end until a strong party of armed military police arrived some time after 4 p.m. We

⁽¹⁾ 66 killed and 42 injured.

⁽²⁾ Our Tharrawaddy witness No. 3.

have investigated this case and doubt whether the attack started as early as this witness has said. It did, however, occur and was not put a stop to until a lorry load of military police were fetched from Tharrawaddy. The suggestion has been made that this ought to have been put a stop to far earlier by the local civil police—who were fifteen in number—had they done their duty. We are, however, not satisfied that it lasted anything like as long as this Indian witness would have us believe or that the civil police on the spot were aware that it was going on until too late. On the whole, no case has been made out to our satisfaction that there was any neglect of duty on the part of the civil police on this occasion at Thônzè. On the next day, the 1st of August, a further determined attack was made upon one of the same Indian shops belonging to a Hindu which had been attacked on the previous day. This took place at about 3 p.m. It was at once reported to the police station. A detachment from the 1st Burma Rifles happened, to be in the town at the time and a small party of five men was sent to put a stop to it. This resulted in two shots being fired, one by a Havildar and one by a rifleman, causing the death of one of the rioters. This matter lies wholly outside our terms of reference and we only mention it as a matter of history, making no comment upon it. This was, however, effective and it put an end to all rioting at Thônzè.

A man shot at Thônzè by men of the 1st Battalion, The Burma Rifles.

We desire to mention one other unpleasant matter that has been brought to our notice in connection with this place. It is that when, on the dates we have mentioned, Thônzè and the neighbourhood became unsafe, a number of Indian refugees with families endeavoured to take refuge in Tharrawaddy. They asked for conveyance by a passing police lorry containing policemen said to have been on Government charter. But they were required by the police occupying it to pay them a toll varying from five to ten rupees before they would convey them into Tharrawaddy. This happened more than once. We think it fair to say that the policemen concerned cannot be identified and they did not come from Thônzè itself. The story, as put to us, has, nevertheless, a ring of truth about it. And, if so, it is disgraceful that it should have happened. We mention this only because, having had the benefit of hearing the witnesses, it has, to our minds, a substantial possibility of being true and conforms to many of the other allegations of petty opportunism and extortion by the police from the victims of the riots which we have heard of up and down the country and which we have had occasion to mention more than once.

Allegation of victimization of refugees by police.

Letpadan and its Neighbourhood.

The serious day at Letpadan was the 31st of July. On the 29th of July there had been an attack on the Chulia Mosque in which three Muslim beggars, who were sleeping outside, had received slight injuries. On the 30th of July at about 5-30 p.m. there had also been an attack on the Mosque at Maugon by a crowd of Burmans. The buildings had been damaged, the furniture broken and the Korans

The 29th and 30th July.

destroyed. On the same evening there had been an attack on the neighbouring house of a Muslim in which three people had been killed including a Muslim *ex-Postmaster*. These events, though serious enough in themselves, did not call for any extraordinary measures. But they were sufficient to give warning that, particularly in a place with the antecedents of Letpadan, the greatest care was necessary. It was unfortunate that the Township Officer was not in Letpadan on these days. But he returned during the morning of the 31st. We do not suggest that his absence was in any way improper. It is, nevertheless one of the many instances we have heard of in which, had the district authorities been given timely warning of what to expect the absence of responsible officers from their posts would have been avoided.

The 31st
July.

The mark-
ing of
Indian
stalls.

Strength of
police at
Letpadan.

Only on the morning of the 31st did it become evident that grave trouble was at hand. Another circumstance which ought to have put, and perhaps did put, the authorities on their guard was that, by the evening of the 30th, a great many bazaar stalls had been marked with the inscriptions "Dobama" and "Kala" respectively⁽¹⁾. This was, of course, highly significant as it meant, not only that an attack was in all probability impending but that something of the kind was actually organized. It is one of the many signs we have met with in this district that the whole onslaught on the Indian population was deliberate. The Deputy Commissioner in his report says that the town had been well patrolled by the Civil Headquarters Assistant, Assistant Township Officer and the police on the nights of the 29th and 30th and that there was reason to suppose that, in the event of an outbreak, the existing police force, both civil and military, would be able to cope with the situation. We think, however, that, having regard to all the circumstances, this view was a little optimistic. The civil police force of Letpadan consists, in addition to three Sub-Inspectors of Police, of not more than thirty-two constables with nineteen muskets. A party of fifteen military police had been sent to Letpadan early on the morning of the 31st but had almost immediately been withdrawn for duty at Sitkwin and was not actually present in the town on that morning. It is to be remembered that Letpadan is the most populous place of the district having a population of some 12,000 people.

Thakins
responsible.

The omission
of the Court
Prosecuting
Officer to
pass on
information
of the
meeting.

Between nine and ten in the morning parties of Burmans began looting Indian stalls, both Muslim and Hindu. This was done on a considerable scale. Eventually it died down but only after a great deal of damage had been done. But at about 11-30 in the morning a meeting of *Thakins* was held at the National High School. The Deputy Commissioner has expressed the view that the *Thakins* were responsible for practically all the trouble in the district and we have no reason to differ from this expression of opinion. We have found it to be the case throughout the district. The Court Prosecuting Officer, Maung Kyaw San, learnt during the morning of the intention to hold this meeting and he has been severely criticized for not passing this information on. It is unfortunate that he did not do so. But he was

⁽¹⁾ This also happened at Othègon.

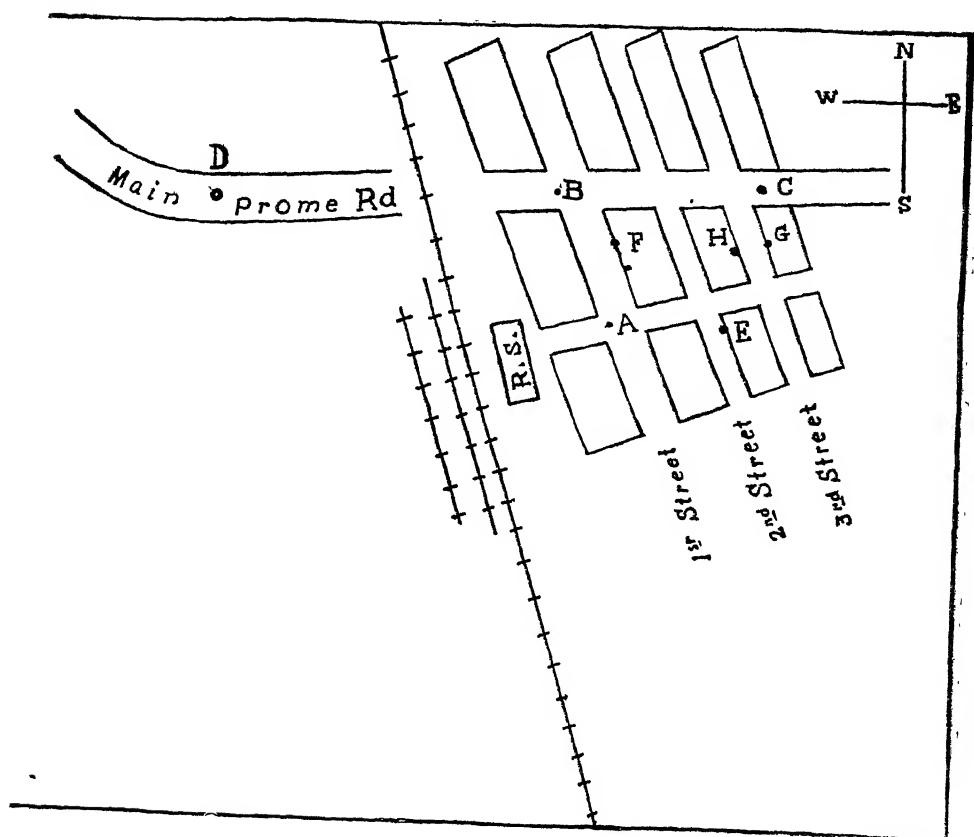
on duty during the morning from 6 a.m. onwards throughout the commotion of the earlier part of the day. He says, in the evidence which he has given at the enquiry into his conduct and the conduct of others which we shall mention presently, that he was so intent on getting the crowd away from 1st Street that he forgot to report this fact to the Circle Inspector of Police, whom he admittedly met. This information had been obtained by Maung Kyaw San by overhearing Maung Hla Maung, a *Thakin* leader who was responsible for convening the meeting, telling some men to finish their tea quickly and to go to the National High School for the meeting. In the enquiry which has been held by the District Superintendent of Police and the Additional District Magistrate this unfortunate officer has been much blamed for this omission on his part and departmental action has been recommended against him. We ourselves venture to consider this hardly fair. The circumstances of the morning were such as to put a special strain upon the memory of any one. Although we admit that Maung Kyaw San ought to have remembered to report what he had heard to the Circle Inspector of Police, the fact that he did not do so is probably due to a very human failure of memory in very trying circumstances. There is not a vestige of evidence that his omission was deliberate. And, having regard to the far more serious charges against other officers as to which the District Superintendent of Police and the Additional District Magistrate are prepared to take a singularly generous view, we think that their strictures upon the Court Prosecuting Officer are, on the whole, somewhat severe. In fact the *Thakins* at the meeting at the National High School decided that all the chief shops belonging to Muslims should be destroyed and their owners killed. There is evidence of deliberate intention about this and it confirms our impression of the nature of the attacks throughout the district.

At about 10-30 in the morning the District Superintendent of Police had arrived from Tharrawaddy. He, no doubt, had come because he had heard of the disturbances of the early morning. He held a conference of civil and police officers at the dak bungalow and gave instructions for the disposition to be made of the available forces. At this point it will be convenient if we set out what those dispositions were and in order to make it clear we give below a rough little sketch plan. The party of military police luckily arrived back from Sitkwin by the 12-30 p.m. train. Four police posts were accordingly organized. The first at the point marked A at the junction of 1st Street and the station approach. The second at the point marked B at the junction of 1st Street and the main Prome Road. The block between points A and B and the railway line is occupied by the bazaar. The third picket was at point C which is on the main Prome Road and the fourth picket was on the main Prome Road west of the railway line near point D. The Chulia Mcsque is at point E on 2nd Street and the house and shop of S. H. Raja is one of a small group of shops at point F. The picket posted at point A consisted of five military police under the command of a Sub-Inspector of Police, named U Ba Shein. With this picket we shall be much concerned. The picket at point B was under Maung Kyaw San, who had five civil constables with muskets. Picket C was in charge of Maung Ohn Ba. The headquarters were established at the dak bungalow which is close by. In

The attack on Raja's shop at 10-30 a.m. on the 31st July.

The disposition of police forces.

addition to these pickets, there was a picket at point D on the west of the railway line and two moving patrols on that side also.



These were the dispositions that were in force at half past twelve. The District Superintendent of Police himself left between twelve and half past to return by road to Letpadan. Almost immediately his back was turned trouble broke out on a large scale. It started by a mob of armed Burmans, consisting of about two hundred men, advancing upon point A from the direction of the railway station. As they came they met Maung Ba Shein with his picket of five military policemen at point A at the corner of 1st Street. The story, as told us by Maung Ba Shein, is that they approached his post shouting "Dobama" armed with *dahs* and sticks. He lined up his five military policemen and ordered them to present their rifles at the mob. He did not, however, order them to fire and he has told us with the utmost candour that he had no intention of doing so. The crowd, possibly divining this, went past him by cutting off the south-east corner of the bazaar and proceeded at once to make an attack upon Raja's shop at point F. Maung Ba Shein has told us that he still gave no orders to fire, because

he had no instructions from the Township Officer or the Circle Inspector of Police. But what he did was at once to despatch a constable to the dak bungalow to send for those two officers. Meanwhile, the crowd proceeded to break open the iron doors of Raja's shop. At this point there is a conflict of evidence between Maung Ba Shein and the Circle Inspector of Police. Maung Ba Shein has told us that immediately the iron doors of Raja's shop had been broken down the Circle Inspector of Police was seen going down the road with a small party and that the crowd at once fled without plundering Raja's shop at all. On the other hand, the evidence of the Circle Inspector of Police is that the plundering of Raja's shop went on for five or ten minutes after he arrived on the scene. U Ko Lay, the Township Officer, on the other hand asserts that the crowd had already dispersed when they got there. This is, we think, untrue. The District Magistrate who arrived during the afternoon and presumably got his information almost as soon as he arrived tells us in his report that the doors of Raja's shop had been forced open and a third of the property destroyed or taken away. The relevance of this point is that the conduct of Maung Ba Shein has been attacked, both in the enquiry which has been held by the District Superintendent of Police and the Additional District Magistrate and before us, upon the ground that he failed to do his duty because he did not fire at once at this mob. We think in fact that the version of the facts given by the Circle Inspector of Police is more likely to be the true one. But in any further departmental enquiry that ensues in consequence of any recommendation of ours we shall be glad to think that all the facts are still at large. For our own purpose, which is to report upon the conduct of the police at Letpadan, we shall assume that the story as told us by the Circle Inspector of Police is the right one and that in fact looting at Raja's shop did go on under the eyes of Maung Ba Shein for some appreciable time.

The conduct
of Maung Ba
Shein.

When the Circle Inspector of Police and his party consisting of the Township Officer, the Police Station Officer and a Sub-Inspector of Police—all armed with revolvers—had arrived on the spot, they succeeded in dispersing the crowd within five or ten minutes without having to resort to firing. We do not accept the story of the Township Officer U Ko Lay to the effect that the crowd had already dispersed when they arrived. Almost immediately the party was called away to the shop of Kala Maung Sein which was being assailed in the bazaar by a crowd of armed Burmans. This crowd no doubt was made up of those who had moved from Raja's shop, together possibly with fresh recruits. Here again the crowd was dispersed without having resort to shooting. The next place at which it collected, strengthened no doubt, by still further recruits, was at other shops in the bazaar which were attacked. Here again it was followed by the Circle Inspector of Police and his party. The truth of the matter is that the mob was being chased out of one place only to be found immediately afterwards in another place looting and doing damage. It was again dispersed. We have found this phenomenon in many places (1).

(1) We have been puzzled to know when a crowd can be said to have "dispersed." It seems to us that the mere shifting by a crowd, or a substantial portion of it, from one place to another does not amount to "dispersal." These points might advantageously be explained in the Police Manual.

This went on until shortly after 1 o'clock when the Circle Inspector of Police despatched two telegrams from the Station to the Deputy Commissioner at Tharrawaddy saying that all the Muslim shops had been destroyed and that the situation was very serious and help was immediately wanted. This in fact was no more than the truth.

The slaughter
in 3rd
Street.

We are setting out these events at some length because they bear on the subject of the charge against the police at Letpadan in the conduct of their duty that they did not take stronger measures and did not fire at the mob. To complete the narrative of events we have now to go to the Chulia Mosque at point E. This was attacked by a large armed mob. In 3rd Street at point G is the house of K. S. Naina Mohamed and almost opposite at point H is the house of Ma Saw Yin. Here a series of dreadful murders occurred shortly after 3 o'clock. There were in Naina Mohamed's house at the time some thirty Indian refugees. To cut an unpleasant story short the house was broken open by the mob, eight persons were slaughtered on the spot, five more were so injured that they died in hospital and eight others were merely wounded. That makes a total of twenty-one people from this single house including four children, one of two years, one of five years, one of nine years and one of ten years, women and old men. Simultaneously, three more were killed in Ma Saw Yin's house. These included a woman. This is one of the worst cases, if not the worst, of cold blooded and wholesale murder that we have come across. It also has been attributed before us to the weakness of the police in the earlier handling of the situation at Letpadan.

Allegation
not only of
police weak-
ness, but of
police collu-
sion with the
murderers.

But before us a further allegation has been made. It is said that this slaughter took place in the very presence of both the Circle Inspector of Police and the Sub-Inspector of Police, Maung Ba Sheir, and a party of policemen who were standing in the road in front of Naina Mohamed's house while it went on. And it does not end there. We are told categorically by two witnesses⁽¹⁾ that Maung Ba Sheir was heard encouraging the Burmans by such expressions as "Kill the Indians; if they come out we will kill them." These are serious allegations indeed.

Previous
enquiry not
satisfactory.

These matters have, as we have said, been the subject of an inquiry at the hands of the District Superintendent of Police of Tharrawaddy and the Additional District Magistrate. We have had the benefit of the record of their proceedings together with the evidence it contains, in addition to the evidence of such of the same witnesses as we have called and of such further witnesses as we have examined. Before we express an opinion upon these matters and as to what ought to be done in respect of them, we desire to make one or two further observations.

The District Superintendent of Police, accompanied by the Deputy Commissioner himself, arrived in response to the telegrams we have mentioned, at about 3-30 p.m. Everything was then over. We wish, however, to say that—apart altogether from the general merits of the findings which have been arrived at in the inquiry—in so serious a matter as this it is scarcely desirable that an investigation should have been conducted by the District Superintendent of Police. Be it remembered

⁽¹⁾ Our Letpadan witnesses Nos. 1 and 2.

that he is responsible for the police of the district, including those of Letpadan. And their credit is to some extent his also. He had, in fact, in the morning himself made their dispositions and given them their instructions. He himself was on the spot very shortly before and very shortly after all these things happened. While we should not for a moment wish to make any reflection upon the impartiality of the District Superintendent of Police, we do not think that in a matter such as this in which, in fact, the whole police force at Letpadan is on trial, the inquiry should have been conducted by the District Superintendent of Police. Not only was the matter one in itself of major importance, but the District Superintendent of Police was far too close to these events himself and far too closely identified with the police of the place to be, in our opinion, a satisfactory judge. In saying that we do not intend, as we have said, to reflect upon him. In fairness to him, we think that it placed too great a strain upon him. It seem to us to be a matter of principle.

The next thing we desire to point out is that we have inquired from Maung Ba Shein what, in fact, his instructions had been from the District Superintendent of Police. They were, according to him, that he was to give one or two warnings and if, after that he considered it necessary, he was to fire. He has told us that he was instructed to open fire "if it concerned the public." The Circle Inspector of Police has stated that the instructions he received were to fire "if any properties were taken or persons assaulted with serious injuries in the presence of the police" and that his attention was drawn to paragraphs 70, 71, 220, 222, 251 and 914 of the Police Manual. We say at once that we have the gravest doubt whether either of these two officers really understood what their legal powers and their legal duties as regards shooting were. And we are not free from the suspicion that this District Superintendent of Police, as some others whom we have met, was not altogether clear about these powers and duties himself. We shall have something to say in our general conclusions about the vagueness that seems to exist in the minds not only of the police but of the public as well as to when and in what circumstances shooting may be resorted to. And we shall point out what we believe to be the truth that it is in the public interest that these matters should be precisely understood not only by the police but by the public as well. That seems to us to be a measure of justice to each.

Vague instructions given to the police.

Primarily we take a strong view that Letpadan was and is insufficiently policed. For a town where trouble cannot have been regarded as improbable, and consisting of twelve thousand inhabitants, we have no hesitation in saying that, in our view, a garrison of thirty-two civil police with nineteen inefficient muskets is inadequate. Even when fifteen military police, who incidentally were liable not to be there when wanted, are added to this force, it is still, in our view, insufficient to guarantee to its citizens any reasonable measure of protection. Whatever may have been the conduct of particular individuals, that, in our view, was the *primary* cause of the failure at Letpadan. There may have been secondary causes but this, we think, was the chief cause. Not otherwise would the rather futile chasing of unlawful assemblies from place to place have been necessary. But the matter does not, however, end there. For we think, too, that those forces which were available on the 31st July from 12-30 p.m. onwards were inefficiently used.

Letpadan insufficiently policed.

Inefficient use of available forces.

Powers of firing.

Sub-Inspector of Police U Ba Shein would have been justified in shooting.

We shall in our report find it necessary to discuss at greater length the powers of dispersing unlawful assemblies and protecting life and property which are given by the Criminal Procedure Code⁽¹⁾ and the Penal Code⁽²⁾ respectively. We must, in fairness to the officers concerned, remind ourselves at this point of the sharp distinction between the right of "dispersing" unlawful assemblies under the Criminal Procedure Code and the right of defending life and property under the Penal Code. In the former case, under section 128, the right to use force is not exercisable by any lesser persons than a Magistrate or an officer in charge of a Police Station. And, therefore, this power is not available to an ordinary Sub-Inspector of Police and still less to a policeman himself. On the other hand, the power of defending property under section 103 is available to everyone. But it is hedged about by a number of nice questions of mixed law and fact such as "Is robbery being committed?", "Is house-breaking by night being committed?", "Is theft, mischief or house-trespass being committed, and, if so, in what circumstances?", All this is no doubt, very confusing to the policeman. To revert now to the actual facts, the question with which U Ba Shein, in command of his police picket at point A, was faced when he saw the crowd emerge from the Railway Station and advance to the attack of Raja's house, was whether it was an occasion on which he was justified in exercising his powers under section 103 of the Penal Code. Those, of course were the only powers open to him because he had the misfortune not to be a Police Station Officer. We think, in all these circumstances, that if he had decided that he was entitled to shoot within the meaning of section 103 he would have been right, for "robbery," as defined in section 390 of the Indian Penal Code, was probably being committed inasmuch as fear of instant death or instant hurt and instant wrongful restraint was being caused to the unfortunate inmates of Raja's house. We think, too, that "theft" was being committed under such circumstances as might reasonably cause apprehension that death or grievous hurt would be the consequence. If, therefore, he had shot and if the question before us had been whether he was entitled so to shoot, we should have decided, we have no doubt, that he was so entitled. But the question with which we are primarily faced is not whether he was justified in shooting but whether he was to blame for *not* shooting. He had received instructions from the District Superintendent of Police on these matters which we cannot regard as very helpful. It is our experience that no very great stress is laid in Burma upon keeping Sub-Inspectors of Police and even more senior officers up-to-date in matters of this kind. It was a difficult decision to take and, in the circumstances, we are inclined, so far as U Ba Shein personally is concerned, to give him the benefit of the doubt. Though he was wrong, we think that the circumstances were such that there was no *mala fides* nor culpable neglect of duty. We think that the fault lies rather with those who were responsible for giving him instructions and with those who were responsible in training him as a police officer. To that extent, therefore, we agree with the findings at which the departmental inquiry has already arrived, albeit on somewhat different ground.

(1) Sections 127 to 132 inclusive.

(2) Sections 96 to 166 inclusive.

As regards the Township Officer U Ko Lay and the Circle Inspector of Police, we find it more difficult to explain their action. They, of course, were not in the same position as Maung Ba Shein, because they had available to them the powers of section 128 of the Criminal Procedure Code and they were able to disperse the mob at any time as "an unlawful assembly." We sympathize with the natural reluctance of both a magistrate and a police officer to resort to shooting. It is, nevertheless, their duty to do so fearlessly and with courage when the occasion arises, because if they neglect to do so they are putting in jeopardy the lives of other people. We think that, having regard to the circumstances at Letpadan from 8 o'clock in the morning onwards, having regard to the character and violence of the mobs that were going about the town and to the complete inability of the trifling available police force to maintain order and to protect lives and property without taking drastic measures, these officers were in error of judgment in not ordering a shot or shots to be fired at the mobs at Raja's house and subsequently in the bazaar. We do not believe the Township Officer's version that the crowd had already dispersed, if only because it is wholly inconsistent with his own admission that the Circle Inspector of Police twice asked him for permission to fire at it. In the light of our experience everywhere where timely and humane shooting was resorted to, we are convinced that had two or three shots or even one shot been fired at an early stage the events which followed, including the deplorable events which took place in 3rd Street in the afternoon, would in all probability have been avoided. We cannot say too strongly that upon grounds of humanity alone an early resort to the use of force on a proper occasion is almost always beneficial. The Circle Inspector of Police has told us that both at Raja's shop and subsequently he suggested, as we have said, to the Township Officer that the latter should give the order to fire. We accept this as the truth. We sympathize with the position of a police officer of the rank of an Inspector who, having a Magistrate with him, yields his discretion to the Magistrate. It is the line of least resistance. But we cannot refrain from saying that had the Circle Inspector of Police been a strong man he would, when he found the Magistrate reluctant to do what he knew to be right, have taken the matter out of his hands. He was, in law, entitled to do so. We have found similar reluctance elsewhere by police officers to take responsibility when a hesitant Magistrate is present. It is quite wrong. On the other hand, it is fair to say that we have found the converse case also, where the police officer has overridden the Magistrate.

The responsibility of U Ko Lay.

As regards the dreadful allegations made against the Circle Inspector of Police, U Maung Gyi, and the Sub-Inspector of Police, U Ba Shein, of standing by and encouraging the murders in 3rd Street in the afternoon, we desire in fairness at this stage to say very little. They have not been proved in a judicial sense before us though there is evidence which will be found in our record⁽¹⁾ which cannot be ignored. We shall suggest presently that these matters upon which we have come to *prima facie* conclusions adverse to these two officers should be made subjects of a further and more satisfactory inquiry at

The charges against the police in connection with the 3rd Street murders.

(1) Our Letpadan witnesses Nos. 1 and 2.

the hands of a senior officer. And we think that, if and when that inquiry takes place, it should embrace this very serious charge of fact which has been brought against them.

**Other events
at Letpadan.**

There was nothing else at Letpadan which has deserved our close attention. On the 2nd of August the town was invaded by another large crowd, which was driven off by civil and military police. But a mill near the Railway Station was looted. We observe that on the 3rd and 4th of August no less than 673 refugees were evacuated to Rangoon. But it must be added that some—though not all—have since returned. There was another slight incident of the burning of a stall in the bazaar on the 8th of August.

**Why has no
one been
tried in
respect of the
3rd Street
murders?**

The only other matter we desire to comment upon in connection with Letpadan is that some twenty-six people were eventually arrested in connection with the murders in 3rd Street. Ten of these men, including two *Thakin* leaders and an Honorary Magistrate were sent up for trial. During the committal proceedings before the Magistrate, the case was withdrawn. We are told that the evidence broke down. We accept it that it was a fact that the witnesses resiled from their statements and that the District Magistrate had no other course open to him than, on the advice of his Court Prosecuting Officer and his District Superintendent of Police, to order their withdrawal. But we are far from satisfied with the position. We do know that a Burman, living at the time in 3rd Street, who claimed to be in a position to give evidence as to who the murderers were, was himself murdered in his own village three days before the hearing before the Magistrate. No one has as yet been sent up for trial in respect of that murder though we are told that the murderers are known. We have no doubt that there are many Indians and other persons who are in a position to give evidence as to this and other crimes in Burma who cannot safely do so, or, at least, who think that they cannot safely do so. Having regard to our experiences we find it impossible to say that their fears are without foundation. But it is a standing reproach to the state of security in the country that this should be so. If ever there was a case in which no effort should have been spared to protect witnesses and to bring the murderers to justice this was it.

**Disturbances
in villages.**

We have received evidence of looting at Hmaw-In Village and of the murder of three Indians at Khamonseik Village, their bodies being thrown into the river. The latter was a case of murder in cold blood of three defenceless Indians. We have also been given evidence of a dreadful case at Nyaungwaing Village, four miles from Letpadan, where nine Indians, among them an old man and an old woman were deliberately slaughtered by a handful of Burmans. The account given in the Deputy Commissioner's report is not according to the story that has been told to us the accurate one. But it is immaterial⁽¹⁾. In this case too no arrests have been made, though we are not satisfied that the murderers cannot be identified. We have also heard of looting Indian houses at Tazon Village and the murder of an Indian there. But none of these matters, dreadful as they are, calls for any special comment from us.

⁽¹⁾ See our Letpadan witness No. 13.

Sitkwin.

At Sitkwin disturbances broke out on the morning of the 1st of August in three places almost simultaneously. Crowds estimated at several hundreds invaded the town and overturned the Mahomedan tea-shops and betel-stalls after destroying all the property. An attempt was made to attack a large provision shop but the authorities in charge of the town succeeded in preventing it without the necessity of resorting to shooting. There has been some suggestion that the authorities did not do all they could to protect property from destruction. However, from the evidence before us we are satisfied that there has been no failure of duty on the part of the officers in charge of the town.

Minhla.

At Minhla on the 29th of July there was an assault on an Indian in one place and on another Indian in another place. Neither appear to be serious. It was not till the 1st of August that disturbances broke out there between 8 and 9 a.m. Some 25 to 30 school boys followed by some villagers swelling the number to about one hundred persons attacked the Mosque, but the Headmaster and the Township Officer succeeded in driving away the crowd. After the crowd had left the Mosque new recruits joined it on the way and swelled the numbers to about three hundred. This crowd destroyed some roadside Indian stalls and dispersed and scattered in smaller groups. The military police force consisting of a Havildar and fourteen men with a Sub-Inspector of Police were guarding a row of big Indian shops in front of the bazaar, and they were not sent for by the Township Officer to follow the crowd. In the afternoon, about 2-30 p.m., a mob of about 1,000 persons armed with scantlings and led by fifteen *pongyis* invaded the town, but the Township Officer succeeded in pacifying the *pongyi* leaders and sending away the crowd without resorting to shooting. This crowd did no damage. There has been some suggestion that the authorities did not do all they could and should do. But on the evidence we are satisfied that there has been no failure of duty on the part of the authorities in charge of this town.

Othègon and Okpo.

We sat at Minhla on the 25th January to consider what happened at these two places. We propose to deal first with Othègon.

On the 30th July, a telegram was received from the Muslims of Othègon that there was a serious situation threatening and a party of eleven military police was despatched there. The Township Officer responsible for the place was U Ba Maung of Minhla West.

Othègon 30th
July.

On the 1st of August, matters became serious at Othègon. The Township Officer U Ba Maung arrived there from Minhla by train at about 1 o'clock. The Deputy Commissioner's report is to the effect that there was an attack on the town at about 3 p.m. when most of the Indian owned shops and stalls were destroyed. In fact, the attack took place at about 1 p.m. when the shops of Indians on the Prome Road

1st August.
Attacks on
Indian shops.

Weakness of
the Town-
ship Officer
of Othègon.

near the Railway Station were attacked by crowds of Burmans several hundreds strong armed, we are told, with sticks, axes and stones. We are told also that by the same train as that which U Ba Maung came by twenty or twenty-five students from Minhla also came shouting "Do-bama" and "Bama-thwe" in the train. These students are said to have taken part in the attack on the Indian shops at Othègon. At this time, the Township Officer, the Police Station Officer, a Sub-Inspector of Police and the *Thugyi* with eleven military policemen were all present. One Indian shop after another seems to have been systematically attacked and looted and the same thing happened as at Letpadan, namely, that, as soon as the police party succeeded in moving the mob from one place, it commenced operations in another. We are told by an Indian witness that the police officers and the *Thugyi* even went so far as to encourage the rioters. But we feel some difficulty in accepting that. What, however, we do feel is that there was an undue delay on the 1st of August on the part of the Township Officer in making up his mind to take the drastic step of ordering a shot or shots to be fired. We think here as elsewhere that it would have been, in the light of subsequent events, the most humane course to take. And we think that it was an error of judgment on his part that he did not do so, although we appreciate how difficult such a decision must be for a junior officer to take. We see from the Deputy Commissioner's report that the Township Officer had received orders from him "to fire if necessary" and, in our opinion, the necessity arose on the 1st of August. It has been suggested to us that the shop of one particular Mohamedan received preferential protection at the hands of the police, but this suggestion is only put forward in a very vague form.

2nd August.

The attack
on the house
of Mahomed
Quayya and
the shooting
there. It
was justified.

The sequel to this occurred on the next day when very early in the morning, at about 6-30, a crowd of some three or four hundred people, armed with stones, sticks, wooden scantlings and iron rods were discovered. They were dispersed by the police but only to collect again almost immediately at the level crossing. They were dispersed from there again and then a determined attack began upon the house and shop of B. P. Mahomed Quayya. This was the occasion of the shooting in Othègon which has been attacked before us. It has been the subject of certain inquest proceedings the benefit of which we have had. We have also taken our own evidence independently. The Township Magistrate had not yet arrived on the scene from the affair at the level crossing and, therefore, he took no part in it. The party of military police under a Detective Sub-Inspector of Police and a Sub-Inspector of Police came on the scene and warned the crowd that, if they did not stop looting and disperse, shooting would have to be resorted to. The crowd paid no attention and they were compelled to carry out this threat. The two officers fired six shots between them from their revolvers and the eight military police fired eleven shots. The result was five casualties. Of these two died, Maung Taing Gyaw and Maung Pe Gyi. We have been asked to consider whether this shooting was justified. It is one of those cases in which a Sub-Inspector of Police was called upon to shoulder the heavy responsibility of making a decision in the absence of a Magistrate or any senior officer of the rank of a Police Station Officer. This precluded the application of section 128 of the Criminal Procedure Code. Although at the time the actual shops which were being physically attacked and looted had been

evacuated of their inhabitants, he has told us that he decided to shoot because he had come to the conclusion that, if he did not, not only the property but the persons of the owners and occupants of the adjoining stalls and shops would be in jeopardy. That his decision was a *bona fide* one we have no doubt. And we are disposed also to think that it was a justifiable one upon the ground that the mob was committing both robbery and theft and that there was a reasonable apprehension of danger to human life. In the circumstances, therefore, we are unable to come to any conclusion but that the Sub-Inspector of Police in question did his duty courageously in ordering fire to be opened and in himself making use of his revolver. The situation was an extremely serious one and, had the matter been handled with the same lack of determination as on the previous day, we do not doubt that the sequel would have been further loss of life and property. As it was, here, as in so many other places, it put an end to the disturbance, which again proves the ultimate humanity of taking a determined and courageous step at an early stage of rioting such as this.

Okpo.

We now pass on to Okpo from where we have examined a considerable number of witnesses. Okpo is a town of some 3,500 inhabitants, situated a few miles north of Othègon. It lies two miles to the west of the main Prome Road. It too is the centre of a strong *Thakin* organization and contains the residence of a Member of the House of Representatives named U Ba Yin. At this point we propose to notice that Okpo has no Township Officer. It has a Police Station. It is for civil purposes within the jurisdiction of Minhla West, which is seven or eight miles away. This circumstance has been impressed upon us both by the events themselves which happened at Okpo and by at least one responsible witness. In our view, the situation in this respect, so far as the civil administration is concerned is not satisfactory, for we think that, having regard both to its size and importance the principal civil officer of the place should have his headquarters there. As matters stand it is governed, so far as the civil administration is concerned, from Minhla West. Minhla has two divisions, Minhla West and Minhla East, both possessing a civil jurisdiction of its own. We understand that a similar recommendation has been pressed before but, nevertheless, we feel entitled to make it again⁽¹⁾. It is that it should be considered whether it may not be wise to remove the Township Officer and his administration from Minhla West to Okpo.

We are told that, as early as the 25th of July, it had been visited by a member of the Letpadan *Thakin* Association, who had come by train for the purpose of instigating the townspeople to break out and, indeed, on the 28th, a minor outbreak did occur of which Indian Chulia shops were the object and in which a Coringhee cooly was injured. It is important to observe these early and deliberate steps to organize disturbance here, because, as we shall have to point out in dealing with this place, it was only by the courage and sense of duty of a subordinate police officer that what has to us the appearance of being an organized uprising in the neighbourhood was averted.

Thakins at Okpo.

Deliberate steps to encourage rioting.

⁽¹⁾ The Deputy Commissioner endorses this recommendation.

Arrival of the Headquarters Assistant of Police and the Fishery *Inkunwun* from Tharrawaddy.

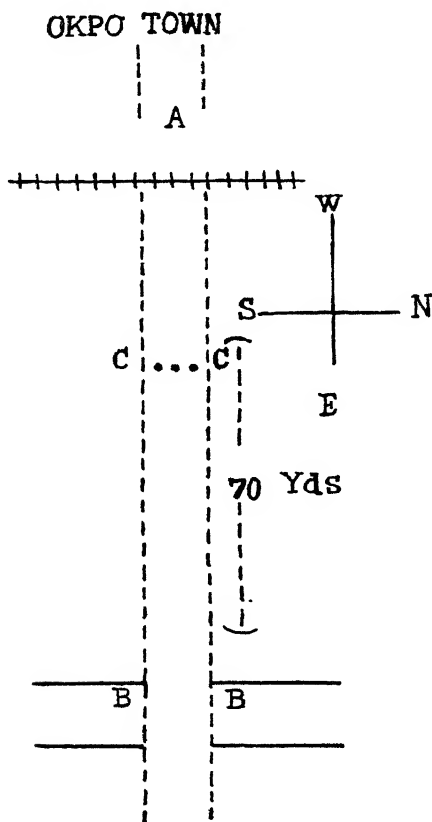
Attack on the Mosque.

The attack on Okpo from the East.

The Headquarters Assistant of Police from Tharrawaddy, U Ba Kun, and the Fishery *Inkunwun* of Tharrawaddy, U Hin Htwe, were despatched to Okpo on the evening of the 28th together with some extra Sub-Inspectors of Police and constables. On the 29th a party of twenty-five military police were sent. During that day things at Okpo were normal, the place being adequately picketed. At night, however, the Mosque was attacked, damaged and desecrated and a Muslim injured on the premises to such an extent that he afterwards succumbed to his wounds. On the same night an order under section 144, Criminal Procedure Code, was issued forbidding assemblies of more than four persons. On the 30th of July and the 1st of August nothing happened. But on the 2nd of August an extremely serious situation arose.

We shall give the facts of the case. In the early morning of the 2nd of August information was brought to U Ba Kun, the Subdivisional Police Officer of Tharrawaddy who, in the absence of a responsible police officer, of its own, had been sent to Okpo to take charge, that danger was to be expected from the direction of the Monyo Road from the east of the town. He accordingly went with U Hin Htwe, the *Inkunwun* and Third Additional Magistrate from Tharrawaddy whom we have previously mentioned, and the Police Station Officer Maung Maung Shwe and thirteen military police to the level crossing on the east of the town. Point A in the plan below is the level crossing on the Monyo Road just to the east of Okpo Town. On going a little way down the road towards the bridge or culvert marked BB, U Ba Kun and U Hin Htwe observed approaching from the east along the road a considerable crowd amounting, as they say, to some two hundred in number armed with sticks, pieces of wood and *dahs*. They then returned to the level crossing to make dispositions of their forces. Three men were left at the level crossing and ten men were drawn up across the road at the point marked CC which is approximately seventy yards from the western side of the bridge. U Ba Kun, U Hin Htwe and the Police Station Officer then returned to the bridge by which time the crowd was at close quarters. U Ba Kun then did all that was humanly possible, conformable with his duty, to get the crowd to return and disperse. He went as far as any man could go in this respect. But we are told by all the officers present—and we believe it—that the spokesman of the crowd deliberately refused to retreat saying, in effect, that they had come from distant villages for the purpose of destroying Indian property and that they intended to enter the town by force to do so. It is clear beyond doubt that the crowd was determined to carry out that purpose. It was, in fact, a deliberate invasion. U Ba Kun with his officers then shouted to them to stay where they were—they had reached the culvert by this time—returned to his men at point CC and ordered them to level their rifles at them. This had the effect of checking them momentarily and they paused upon the bridge. U Ba Kun and U Hin Htwe then consulted as to what they should do. And, to take the words of U Hin Htwe, the Third Additional Magistrate, they decided that it would be necessary and right to shoot “if the crowd advanced beyond the bridge and endeavoured to rush the police.” U Ba Kun again shouted to them to stop where they were or he would have to shoot. But at this moment some one from the back of the crowd started to taunt them and shouted that they were women and ought to wear petticoats.

Whereupon the mob, or a substantial part of the mob, started to rush the police. U Hin Htwe at this moment had gone back to the level crossing because, he tells us, he apprehended that another crowd was approaching from the north. U Ba Kun, left to his own resources, did the only possible thing that he could have done, namely, he ordered his men to fire a volley of one round each. He ordered them to fire low and that is amply borne out by the nature of the injuries we have seen. They fired. But it did not have the effect immediately of stopping this determined mob. U Ba Kun, thereupon, ordered the fire to be continued and when the crowd stopped he immediately ordered the "cease fire." In all twenty-six rounds were fired causing sixteen casualties of whom ten died either on the spot or in hospital.



We have received a great volume of unconvincing evidence to the effect that there was no hostile crowd, but that the firing was directed upon peaceful villagers going into Okpo for domestic purposes, such as to make purchases in the bazaar or to have their hair cut. We are satisfied that there is not a word of truth in this and that the facts have been accurately given us by U Ba Kun, whose evidence has been

It was a deliberate attack on the town.

corroborated by many other responsible persons. The fact of the matter is that this attack upon Okpo was a determined, deliberate and organized assault on the town from the east by forces which had been mobilized for the purpose from the outlying villages.

We have also received evidence from more than one impressive source that this attack from the east was only a part of a larger plan for attacking Okpo from all sides and that on the north, south and west other bands of villagers were in readiness to assail the place if the attack on the east had succeeded. There is, in our view, satisfactory evidence of an organized plan to sack Okpo and possibly to make that the starting point of further and more far-reaching disturbances. In our opinion, it was by the level-headed determination and devotion to duty of U Ba Kun alone that a disturbance which might have turned into a major disaster was averted.

Although the Third Additional Magistrate, U Hin Htwe, in a sense, was a party to U Ba Kun's determined action, it will be observed that at a critical moment he was attending to something elsewhere. We have been far less impressed with this officer than with U Ba Kun and, indeed our impressions have not been wholly favourable. We say that because it is an admitted fact that, within a very short time of this having happened, he was to be found in the company of U Ba Yin, a Member of the House of Representatives, and other citizens of Okpo doing his best to dissociate himself from any connection with the shooting. What he was careful to make widely known was that the responsibility for the shooting was not his, but was solely that of U Ba Kun. At that point we think he was trying to "back out"—with very little sense of duty or loyalty to his brother officer. If U Hin Htwe thought that a mistake had been made, it would possibly have been proper for him to have reported it to the Deputy Commissioner, but it was not proper for him at that stage immediately to discuss the matter with a Member of the House of Representatives whom we have every ground to suppose would welcome any opportunity to embarrass the police.

There can be no question in this case but that what had been done was in every way proper and necessary and saved the situation. We regret to make these strictures on the behaviour of this officer, which, we think, was neither in the public interest nor loyal.

U Ba Yin.

We also regret to have to say that we are far from satisfied with the part played in the affairs of Okpo by U Ba Yin, M.H.R. himself. We content ourselves by saying that we doubt whether his influence in this place is exercised in the interests of his constituents and of law and order. He had the courage to make a most scandalous allegation before us against a Sub-Assistant Surgeon of Gyobingauk of thirty years' experience to which place many of the wounded were taken—an allegation which he had not taken the slightest trouble to verify. He alleged that, in a particular case he had learnt that a man's leg was amputated without any anæsthetic. And he suggested that it was done deliberately by a Muslim Sub-Assistant Surgeon and that there were other cases of the same kind. In justice to the Sub-Assistant Surgeon we have investigated the matter and

found there is not one word of truth in it. The man whose leg was amputated was brought to the hospital "*in extremis*." When he reached the hospital he was given an anæsthetic and his leg was amputated and he received every attention that the resources of the hospital and its staff allowed. Coming from a responsible person, this allegation is an outrage to decency.

Some of the wives and mothers of the victims have appeared before us and have, in moving words, expressed their loss to us. We cannot refrain from observing that they are the real victims of those who fostered and encouraged the disturbances which have disturbed the country in recent months.

Nattalin.

On the 26th of January we sat at Nattalin to enquire into the disturbances there. Nattalin is situated on the northern boundary of the Tharrawaddy District and is some five miles or so from Paungde which we have dealt with earlier in this report. Nothing worth mentioning occurred at Nattalin until the 1st of August. On the evening of that day a very serious disturbance broke out. Before we proceed to describe this and the shooting that took place in connection with it, we desire to say that here also there is evidence that there was previous preparation for rioting. As early as 2 o'clock in the day a rumour was known at the police station that an attack would be made on the Mosque in the evening. And even the precise time was mentioned—6 o'clock, which proved to be the fact. There is evidence also that here, as in Okpo and Letpadan, this mischief was the work of *Thakins*. It conforms to the view we have reached that an organized attempt was being made throughout almost the entire district to take advantage of the unrest which had been started by the events in Rangoon.

1st of August

Evidence of previous preparation for rioting.

We need not deal with what happened in Nattalin at very great length because no real question of doubt in our opinion arises. Between five and six in the evening of the 1st a mob of about a hundred and fifty Burmans attacked the Mosque. This justified the information which the police had previously received. The mob was armed with heavy sticks and some say with *dahs*. We mention in passing that the Mosque, though damaged, did not suffer quite so seriously as the Deputy Commissioner in his report supposes. The Subdivisional Officer, the Subdivisional Police Officer and a few constables at once went to the scene and succeeded in inducing the crowd to leave the place, but not before some damage had been done. It proved to be the beginning of the same sort of thing that we have drawn attention to before, namely a game of "hide and seek" with the crowd. For, no sooner was it dislodged from one place, than the crowd moved to another picking up recruits on the way and there began further mischief. In this case the crowd moved from the Mosque and attacked the shop of an Indian Hindu named Rama. By that time it had swollen to some two hundred. It was followed by the Subdivisional Officer, the Subdivisional Police Officer, the Township Officer, one or two other officials and some ten or twelve policemen. This shop, too, was destroyed before the crowd was moved on at the instance of the Subdivisional Officer and the Subdivisional Police Officer. It then

The attack at between five and six in the evening.

proceeded back to the Mosque upon which it delivered a second attack with the party of officials and police still in pursuit. A little further damage was done there. It was again moved on and then went towards the bazaar and attacked two other Indian shops belonging to Hussein Vally Mahomed and Mahomed Esoof. These also were looted and the crowd was moved on. At this point, or possibly earlier, several of the officials who were attached to the police party, such as the Secretary of the Municipality and the Public Health Inspector, fired their guns in the air as a warning to the crowd. The Subdivisional Officer repeatedly warned the crowd that he could not for ever refrain from ordering the police to shoot. Having dealt with these two shops and having been moved on at the instance of the Subdivisional Officer, the crowd finally went to the shops of P. K. Ebrahim and Ko Maung Glay which are in the Minlan Road on the opposite side of the road to the shops of Hussein Vally Mahomed and Mahomed Esoof. There more shots were fired in the air by the miscellaneous officials who accompanied the official party. But after a little time and after again warning the mob that he must order the police to fire unless they finally dispersed, the Subdivisional Officer ordered the police to shoot. The police were all civil police of whom only four or five had muskets. Ten rounds of S.G. were fired and the total number of casualties was eight. Two men were picked up dead on the spot, one man was discovered dead in a neighbouring house to which he had escaped and one man died in hospital on the 7th of August. Four others were wounded. That is the story of what happened on the 1st of August. An inquest was held and we have had the benefit of seeing the proceedings at which some thirty-five witnesses were called. Although widely invited to do so no witnesses appeared before us to complain of this incident. We too have examined the official witnesses. From this material we are fully satisfied that this was an occasion upon which the Subdivisional Officer exercised his powers as a Magistrate under section 128 of the Criminal Procedure Code properly and humanely. Having regard to the situation in the town and in the District, if he had not done so the consequences might have been most serious. If there is any criticism to be made, it is that he delayed too long. But we are conscious that it is very easy to be wise after the event and we sympathise with the natural reluctance of an official to resort to drastic measures such as ordering the police to shoot. We do not think it would be fair in this case to blame the Subdivisional Officer having regard to the fact that when he was convinced of the necessity of taking this step he did not hesitate to do so. Moreover, the crowd had not actually killed or injured any one, though it would certainly have done so had its career not been checked. We have seen this officer and he has impressed us as being a capable and efficient officer.

The promiscuous firing of guns in the air.

There is one other observation we desire to make, which is that promiscuous firing of guns in the air by licensed gun holders on an occasion like this is apt to do far more harm than good. And, in particular, it is apt to give rise to an impression that officials are not ready to enforce the law if necessary by shooting to hit. It is altogether undesirable that shots should be fired in the air. Shooting should never be resorted to unless it is absolutely necessary. But, when it becomes necessary, then in the interests both of order and of humanity the shooting must be effective.

That was not quite the end of matters in Nattalin because again on the next day between three and four in the afternoon there was another incident in which one person lost his life. With reference to this incident no one has complained before us. There was also an inquest into the death of this person. The circumstances which led to it were that the military police who had arrived by that time, received information that looted property had been taken to and kept in a coolie barrack on the west side of the bazaar compound. A posse of military police surrounded the barrack. A certain person who proved to be Maung Paw Thit came out either from the barrack or underneath the barrack. The sepoy who saw him ordered him to sit down and put down the *dah* which was in his hand. The Burman then caught hold of the bayonet of the sepoy with his left hand and raised his right hand with the *dah* in it. At that moment the sepoy freed himself by moving backwards and when he got his loaded rifle free shot him down in self-defence. We have no reason to doubt the truth of the story told by the sepoy. 2nd of August

At the inquest some Burmese witnesses came forward and gave evidence. But none have come before us, though they had every opportunity of doing so. Ma Shwe U of Pauktan Village who is the widow of the dead man came to give evidence before us. She, of course, has been unable to give us any substantive evidence as she was not present at the incident. She is the unfortunate victim of those who started and encouraged the disturbances in the district.

On the whole we have reason to think that events were well handled at Nattalin by all concerned. If this had not been the case, serious consequences might have ensued. Nattalin is, as we have said, some five miles from Paungde where the disturbance had been closely watched by the local *Thakins* who were quick to report in Nattalin what had happened at Paungde. We have reason to think that at Zigôn and Gyobingauk also matters were well handled. In both these places there might have been serious trouble if it had not been so. Nattalin was well handled. Zigôn and Gyobingauk.

CHAPTER XVII.

The Toungoo, Pegu and other Districts.

Toungoo.

The situation
in Toungoo
well handled.

We visited Toungoo on the 10th of January and spent a day there taking evidence. This is the only district in the Tenasserim Division in which anything serious happened. And we are glad to be able to say that, when the disturbances did break out there, they were so well handled on the 31st of July by the civil and police authorities that further rioting, not only in Toungoo itself, but throughout the district was prevented. This involved, unfortunately, one instance of shooting by the military police at Toungoo itself which has constituted the chief item of our investigation here.

Previous
history.

Toungoo is one of the few districts of Burma in which there has been any previous history of inter-communal trouble. In July, 1935, considerable ill feeling developed between Muslims and Buddhists in consequence of an address given by a Zerbadi *Moulvi* of Rangoon in which he made invidious comparisons between the Mahomedan and Buddhist religions. Nothing very improper appears to have been said in the lecture but a portion of it was published in the *New Light of Burma*. This provoked a controversy which was exploited by Pyu Maung Maung and other members of the *Thakin* party. The *Sayadaws* of Toungoo took the matter up and feelings were aroused. Eventually, on the refusal of Government to sanction the prosecution of the *Moulvi* who had given the lecture, it was decided by the Buddhists of Toungoo to erect a stone pillar on the platform of the Shwesandaw Pagoda upon which the history of the controversy was to be recorded. Eventually, however, by the good offices of U Maung Gale, the District Superintendent of Police, who then, as now, acted as a mediator, the Burman and Muslim elders composed their differences and peace was restored. We only mention this as it is one of the few instances in Burma of previous communal friction between Muslims and Buddhists upon religious grounds. It was a trivial incident in the same way that Maung Shwe Hpi's book was really trivial and, had there been the will to do so, we have no doubt the trouble which arose over his book could have been composed as easily.

Absence of
the Deputy
Commissioner.

When the disturbances broke out in Toungoo, the Deputy Commissioner was on a visit to his Commissioner at Moulmein. In fact he was in Rangoon on the 27th of July, the day after the meeting at the Shwedagon Pagoda but, even then, he was not warned of the serious aspect which matters had assumed. As we have previously said, there were, in our opinion, ample indications long before the 26th that the situation was a dangerous one. And the Deputy Commissioner admits that, had he known the facts, he would not have been absent from his post. We mention it as another instance of how little district officers were kept in touch with the situation.

The 30th
July. Out-
break of
trouble.

The disturbance, in fact, broke out in a serious form on the afternoon of the 30th of July when a mob of *pongyis* and villagers armed with *dahs*, spears and other weapons broke into an Indian

Mosque in 7th Street. The *Moulvi* of the Mosque was injured by a *pongyi* with a *dah*. Later in the evening further armed mobs raided the town and a really dangerous situation developed. That a more serious disaster did not overtake Toungoo on that evening is, in our opinion, due entirely to the resource and tact of two officers, the District Superintendent of Police, U Maung Gale, and his Headquarters Assistant, Yacoob Khan. They were an excellent combination to meet the situation. Yacoob Khan undertook to keep the Indians indoors and to prevent any form of provocation by them and he succeeded in doing so. On the other hand, U Maung Gale, who, as we have already mentioned, has great influence with the Buddhists, succeeded on his part in exercising a moderating influence on the *pongyis* and the Burmese population generally. But even the good offices of these two officers were not sufficient to prevent a considerable amount of looting of Muslim shops, to the number of eighteen, on that evening. In fairness to U Maung Gale, we think, a correction ought to be made in the Commissioner's report dated the 22nd September 1938 to the Secretary to the Government of Burma, Home Department, in which it is inferred that U Maung Gale, under pressure, acceded to the demand of a crowd of two hundred to march through the town shouting slogans. He did no such thing. What happened was that U Maung Gale was asked by a mob for permission to demonstrate in the town against Indians. This he refused to give. But, having insufficient force to prevent it, he decided to employ peaceful methods. His alternative would have been to disperse it there and then by force and we think he was justified in refraining from doing so at that stage. What he did was to march with it and to direct it to the police station where he succeeded in getting it broken up. We think the report does this officer an injustice. There was, in fact, considerable looting that night but we cannot blame the police for exhausting all their powers of reason and persuasion before resorting to the more drastic methods they employed on the following day.

An order under section 144 of the Criminal Procedure Code was actually made on the 30th of July prohibiting the congregation of more than five persons and this was printed and distributed on the 31st. At eight o'clock in the morning of the 31st, two *Thakin* leaders were arrested. This indirectly proved the occasion for the disturbances which followed. At ten o'clock in the morning and again about midday approaches were made to the police station to "demand" the release of these two men. The word, "demand" is the only word which accurately describes what happened. On the later of the two occasions, some hundred and fifty *pongyis* came in procession to the police station for the purpose. At about one o'clock or a little later, another mob of young men and *pongyis* approached the police station, many of them armed with weapons. They were driven back without firing and without casualties to the Shwesandaw Pagoda. It was at this point that the Deputy Commissioner turned up. He was at once summoned to the police station and arrived there immediately after the crowd had been driven in the direction of the Pagoda. The Deputy Commissioner, the District Superintendent of Police and the Headquarters Police Assistant at once followed the crowd with a party of fifteen military police and fifteen civil police.

The 31st July,
Arrest of two
Thakins and
demand for
their release.

The situation which the Deputy Commissioner had to deal with.

At that stage, the position was that, on the night of the 30th, the town had been all but out of hand. Great restraint had been shown by the police and it was obvious that all attempts to restore order by further reasoning with mobs was doomed to failure. On the other hand the size of the crowds was becoming greater and they were in the streets openly with weapons in their hands. The question, with which the Deputy Commissioner was faced was whether to put an end to it by a moderate use of force or whether to take the risk of the possibility—if not the probability—of the violence and looting of the previous night being repeated in, perhaps, an aggravated form. If that had occurred it would have, of course, required far more force to put it down than actually was employed in the events which happened.

The Deputy Commissioner's order to shoot.

On reaching the foot of the Shwesandaw Pagoda, the Deputy Commissioner and the District Superintendent of Police found a mob consisting of *pongys* and laymen assembled in the compound of the Pagoda. There is conclusive evidence that many of them were armed with *dahs* and other weapons and that their leader was a *pongyi* brandishing a *dah* in each hand. This Pagoda has a long alleyway or path leading from the two *Chinthes* at its entrance to the steps of the shrine. The length is some three hundred yards. On and about this the crowd were collected. The Deputy Commissioner ordered his men to stay outside the entrance near the *Chinthes*. He was anxious not to encroach onto the Pagoda ground and he did his utmost repeatedly to get the crowd to disperse by shouting to them and warning them of the consequences, if they didn't. That this assembly was an "unlawful" assembly is beyond controversy and, indeed, if it had been otherwise, it became unlawful by its persistent refusal to disperse when called upon to do so. The only response which the Deputy Commissioner and the District Superintendent of Police achieved was that the crowd advanced towards them brandishing their weapons and defying them to come on as, they said, their "bullets would turn to water." If ever there was a direct challenge to law and order this was it. And, in view of the whole of the circumstances and of the results to the town and its citizens as a whole which might have followed from any hesitation at this point, we have no doubt that the Deputy Commissioner was right in ordering, as he did order, the crowd to be dispersed by rifle fire. He used the minimum of force. He first ordered two single shots to be fired. That did not prevent the crowd coming on. After a minute, he ordered two further single shots to be fired which had the desired effect of stopping them. The mob dispersed and that was the end of serious rioting in Toungoo. We say without hesitation, not only that the course the Deputy Commissioner took was legally justified, but that in all probability it had the effect of saving many lives which might have been lost had the town of Toungoo become out of hand again that night. At the time the police did not know that their shots had taken any effect and it was only an hour or an hour and a half later that they learnt that, in fact, a half-caste Ooriya had been killed and a *pongyi* wounded. The *pongyi* ultimately died. We have evidence from one officer that this *pongyi* was the leader of the mob, although we are not prepared to say that that was so with absolute certainty. It is, however, certain that both these men were members of the unlawful assembly in the Pagoda compound and that each of them had been active in the armed procession which had

previously raided the town. The young Ooriya was, in fact, about to be arrested in connection with the disturbance of the previous day. We think that the resolute handling of this incident saved the situation in Toungoo, for, having regard to what happened on the previous day, we can only regard it as highly probable that, if the Deputy Commissioner had not taken the course he took, control might have been temporarily lost of the town during the evening and the night, with the inevitable result of further loss of life and property. Those whom we now find foremost in condemning the authorities for suppressing trouble with a strong hand at its commencement, would do well to reflect that, more often than not, by doing so they save life and injury. We ought to say that we have listened carefully to a story that the two men killed were in the Pagoda compound, one returning from the well and the other peeping out of curiosity from his *kyaung* and that, for no reason, they were shot at by the police. We do not believe that.

The causes of the riots at Toungoo are the same as we find elsewhere. We find the same underlying influences both economic and political. We find the same malign influence of the newspapers which exaggerated what had happened in Rangoon. The moment they appeared in Toungoo the passions of Burmans against Muslims were provoked. These were accompanied by the usual rumours of the stoning of the Sule Pagoda and attacks on the Shwedagon Pagoda. Once started it developed, so far as it was permitted to proceed, into the same vicious attacks on Muslim shop-keepers. The causes in Toungoo did not substantially differ from those elsewhere. We find also the influence of *Thakins* at Toungoo and the participation of many young men of this Association in the rioting. The causes at Toungoo.

Since the riots there has been the same steady deterioration in respect for law, order and discipline as we have found elsewhere. What were originally riots of a communal character have developed into a political movement aimed at undermining and embarrassing authority. Attempts to use the school children in this place as the instruments of disobedience and unrest were, at the date of our visit, only too obvious here as in other places throughout the country. And, finally, we observe the same discouragement of the civil and police authorities. Since September.

We conclude by saying that the riots were very well handled at Toungoo and that, by such handling, we think, a far more serious situation in the town itself and in the district was avoided.

Pegu.

The Committee visited Pegu on the 11th of January and, with the exception of Tharrawaddy, this visit concluded our tour of the districts. It is pleasant to be able to record that the two last places which we visited during our tour should have provided us with instances in which the disturbances were firmly handled. Visit to Pegu.

In Pegu itself adequate precautions were taken from the 27th of July onwards and two meetings, one of tri-cyclists and one of *pongyis* at the Thunpaya and the Shwehmawdaw Pagodas respectively to discuss, Disturbances in the district.

the situation created by the publication of Maung Shwe Hpi's book, were fortunately frustrated. In spite of all precautions, however, on the 30th and 31st of July there was considerable disturbance in Pegu town and from the 29th of July, starting at Nyaunglebin, until the end of the first week of August there were a number of sporadic incidents in the various villages in the Pegu District. But the degree of disturbance in the district should be measured, not by the incidents that actually took place, but rather by what might have taken place had not the situation been firmly and promptly dealt with by the District Superintendent of Police and other police officers.

There is not the slightest doubt that in Pegu town there was a deliberate attempt by a number of Burmese citizens in conjunction with certain sections of the population to instigate disorder. Although the large meeting on the platform of the Shwehmawdaw Pagoda was prevented, a number of secret meetings of *pongyis* did take place. And we are informed that the police authorities were in possession of reliable information that sticks, iron bars and *dahs* were actually accumulated in the Shwehmawdaw Pagoda in readiness for a disturbance. The District Superintendent of Police desired at an early stage to raid and search this Pagoda but he was prevented by express instructions conveyed to him by the Inspector-General of Police. We should agree that in a delicately poised situation so serious a step as the search of a Pagoda ought not to be embarked upon lightly. But in a case in which a responsible and capable District Superintendent of Police has, on reasonable grounds, concluded that a search even of such a place was necessary for public safety, we think that only on the strongest grounds should his judgment be over-riden. No doubt such grounds existed in this case. We propose to say a word or two in Part III of this Report upon the relationship of *kyaungs* and *kyaungdaks* to the right of search and we content ourselves in pointing out here that, in cases in which the abuse of the sanctity of religious places is known to exist, it would be most unfortunate if the impression were to get abroad that they were not within the reach of the law.

We have come to the conclusion that there is reliable evidence of the desire of a certain section of *pongyis* in Pegu to see disorder started and, if the District Superintendent of Police had without reference to Rangoon resorted to the search, and properly conducted it, we should have been the last to blame him. The news and newspapers from Rangoon reached Pegu quickly and were we think responsible for the outbreak of rioting on the 30th and 31st of July in Pegu town. This followed precisely the same form as elsewhere and developed, on communal lines, into an attack, not only upon the Muslims, but upon Indians in general. This, of course, may have been due to the failure of the Burman to distinguish clearly between a Muslim and any other Indian. But the fact remains that the disturbance, not only in Pegu town, but in the district as well developed into an attack upon the Indian population at large and particularly upon the Muslims. That it was a deliberate attack is clear from the previous warnings given to many individual Muslims of what was likely to happen to their community.

30th July.

On the 30th of July rumours of impending trouble in Pegu town were current. A meeting of the elders of the town in the Municipal

Vernacular High School was convened by the authorities. The District Superintendent of Police was present, but the Deputy Commissioner was not, a fact which was, we think, unfortunate. But it is possible that he was not present because, as we recognize, he was in some personal embarrassment in the matter.⁽¹⁾ Promises were made at this meeting by the elders of the various localities to control their own particular neighbourhoods. But, when rioting broke out, we think they failed to do so. Later that evening a secret meeting of *pongyis* was held at the Thunpaya *Kyaung*, which is on the north side of the Pegu Bazaar.

On the 31st of July the disturbance broke out in the town. At about noon a crowd of armed *pongyis* and laymen came out from the Thunpaya *Kyaung* and attacked Indian shops in the neighbourhood of the bazaar. The damage done was considerable, not less than eighteen Kaka and other shops being destroyed and looted. It was, however, well handled by the military and civil police, who had been kept by the District Superintendent of Police in complete readiness. They were successful eventually in dispersing the mob by a show of fixed bayonets without either resorting to the use of their firearms or inflicting any other injury. The mob retreated to the Thunpaya *Kyaung*, which thenceforth was so closely guarded by the District Superintendent of Police that it was impossible for the *pongyis* to come out except for their legitimate begging routine. This again was a strong step to take and it has been complained of before us. But we hold that it was right. So long as a sacred building is abused, we cannot, in reason, see why society is not entitled to protect itself from that abuse. At the same time as this incident took place, there were other risings in other parts of the town and particularly on the Thanatpin Road about two miles away. These disturbances were simultaneous and led the District Superintendent of Police to the view he has expressed to us—and we think the view is reasonable—that this outbreak of disturbances was planned. That too is the view of other citizens of Pegu. In the Zaingganaing Quarter again the crowds had to be cleared at the point of the bayonet, and in other quarters as well, in the Leikpyagan Quarter, the Panhlaing Quarter, the Zebaing Quarter, the Thunpayagyigon Quarter and the Kyaukkyizu Quarter—simultaneous disturbances occurred. It was impossible to prevent individual looting of Indian shops during the morning. The net result was that three Muslims and two Hindus were killed, eight were injured and between sixty and seventy stalls altogether looted or damaged. The official record omits the killing of the two Hindus. We have received considerable evidence about this and we think that these men were among the victims. One of them was picked up in the river later at Tongyi some seventeen miles from Pegu.

The 31st July.

There were no serious disturbances in Pegu town after that date, notwithstanding that tension continued. But from the 29th of July the district had been disturbed generally. On that day there was rioting in the Nyaunglebin Bazaar in which eight Muslims were injured and on the same day there was a slight disturbance at Tawwi. On the 30th of July there were attacks on Indians at Kyauktaga and in the

The disturbances in the district.

⁽¹⁾ We understand that the Deputy Commissioner was at one time a Burmese Muslim and is now a convert to Buddhism.

evening at about 9 p.m. a serious attack occurred upon the Mosque at Pazunmyaung. Four Indians were killed and four injured there. In this incident the Burman Headman, Maung Nyun Maung, displayed great resource and courage. We have had on more than one occasion to complain of the lack of enterprise, if not worse, on the part of headmen and it is the more pleasant, therefore, to be able to record that this one lost not a moment in placing himself in possession of a gun which he wrested from the hands of a timid Chinaman, fired two shots at the rioters and thereby dispersed them. He, in fact, hit no one but by doing this, we do not doubt that he prevented further loss of life and property. We wish to commend this man for his sense of duty and for his personal determination. On the same night there was an attack by Burmans upon Indians in Pyuntaza Town. On the evening of the 31st, which was the date of the disturbance in Pegu town, Thanatpin Railway Station was stoned. On the 1st of August the District Superintendent of Police himself conducted a reconnaissance of a number of places on the road to Nyunglebin accompanied by two armoured cars and was just in time to prevent what might have been a serious outbreak at Pyinbongyi. At Payathonsu there was an attack on the railway station on the night of the 31st of July and, on the following day, at the Daiku Bazaar there was an attack on Indians by Burmans. On the same day at Thanatpin again an attempt was made to set fire to a shop and an attack was made upon the Motor Launch "Barbara." Two of the crew and the Serang were injured but managed to escape. A party of civil police prevented further damage. At Minywa on the same evening an attempt was made to burn the Mosque. On the 2nd of August rioting took place in Kanmyint Village and also at Letpanbu Village. In the latter a number of Chittagonian coolies were attacked. On the 3rd of August rioting took place at Htandawgyi, where small bands of Burmans did some looting. At Impi Village an Indian field hut was attacked and a Muslim inmate injured and in the evening at Paungdawthi the house of a Chittagonian was attacked and one person killed and four injured. Three of the injured persons were women. Thereafter there was slight looting in other parts of the district but it gradually died down.

We think, from what we have seen and heard, that in this district a great weight of responsibility fell upon the shoulders of the District Superintendent of Police, whose Deputy Commissioner was, by reason of his own embarrassment, unable to assist him as much as might have been expected. But he handled it extremely ably. And it is a great tribute to him and to his vigilance that at no time did a major outbreak occur and nowhere was it necessary to have resort to firearms. If it had been less ably handled at the start, we think that far more serious trouble might have ensued. We are told that the presence of the armoured cars on the main road between Pegu and Nyunglebin on the 1st of August was to a great extent responsible for keeping the district in control.

Complaints.

We have received a few complaints from Indian residents of Pegu town that in isolated cases small parties of Burman policemen looked on ineffectively while rioting took place under their very eyes. But in no instance have there been any particulars given to enable us to verify these cases. We have done our best and have pressed the

District Superintendent of Police very carefully. But he cannot speak too highly of his constables as a whole, including his Burman policemen. It is very easy for an Indian under the stress of seeing his property destroyed to think that an individual policeman is doing less than he might. We cannot, on the evidence we have, find that any case of this kind has been established in Pegu town. We were given some particulars of one case of a demand made by a police officer for money as the price of protection of a particular inhabitant. This has been investigated by the District Superintendent of Police himself and found to be untrue.

The only other matter we propose to mention is the searching of the house of a gentleman named Senator *Khan Bahadur* Ibrahim, who is a respectable and, we understand, a wealthy citizen of Pegu. This gentleman's part in the affair reflects nothing but credit upon him. Nevertheless, a persistent rumour was spread by malicious persons that he was collecting Indians in his premises for the purposes of attacking the Pagoda. It was quite untrue. But nevertheless the Deputy Commissioner thought it wise to reassure the population by conducting himself a formal search. This was a pure matter of form and, as the Deputy Commissioner says in his report, no one who knew *Khan Bahadur* Ibrahim could for a moment have suspected that such a rumour was true. The search was made and of course, nothing was found. There is a suggestion made to us that this search constituted an outrage towards this gentleman. We do not ourselves think so. We have no doubt that the Deputy Commissioner made it clear to the gentleman in question what his purpose was and we do not think that any reasonable man could regard the action of the Deputy Commissioner otherwise than as quite proper.

The search of *Khan Bahadur* Ibrahim's house.

The District Superintendent of Police points out to us that on the 27th of July he was called upon to supply police for the disturbances at Rangoon and that reluctantly he did so. In the result, we do not think that Pegu suffered. But we sympathize with the District Superintendent of Police in his view that at a time of disturbance it was dangerous to deplete the police force at Pegu. He has put this forward, not as a matter of complaint, but as an item of information. We have already seen how destitute in the emergency Rangoon was of effective civil police. The remedy, in our view, lies, not in the expedient of borrowing policemen here and there when an emergency arises, but in making the Rangoon City Police a self contained and effective force, capable of dealing with its own disorders. It was we think most dangerous to deplete the strength of the Pegu, or any other local, police in this way.

Constables "borrowed" for Rangoon.

Sandoway.⁽¹⁾

This was the only district of the Arakan Division which was in any way affected by the disturbances and even here there was no trouble during the first outbreak of rioting in Rangoon. But towards the end of August and in September there was a faint effervescence even in

⁽¹⁾ We have not visited this and the following districts, in which, for the most part, nothing of great importance took place. We have compiled these brief accounts from the official reports.

Sandoway District. In Sandoway town itself, on the 30th of August there were rumours that an attack would be made on the bazaar the next morning by bad characters from surrounding villages. This did not materialize but there was instead a momentary panic in the bazaar owing to some women being seen running to meet a motor-bus bringing fresh fish from the sea. This was a case of pure "nerves." After this matters settled down and there was no more trouble in Sandoway itself.

On the 2nd of September at Gwa crowds collected possibly with the intention of attacking Indians and looting their shops. Considerable alarm was caused to these shop-keepers, but no attack took place and the crowds were persuaded to disperse. U Kyaw Aung, a Muslim Resident Excise Officer, fired his '22 rifle "in order to reassure an Indian shop keeper." On the next day a number of Burmans attacked a motor bus in which some Indian shop keepers were removing themselves and their property from Kyaukkyi to a safer place. The Indians fled and their property was looted. Eight Burmans were arrested on this account. At about 5 p.m. on the same evening, one Ba Thein entered the quarters of the Branch Post-Master at Kyaukkyi and demanded money. The Branch Post-Master produced a *dah* and with the help of a postal peon the intruder was ejected. At about the same time, two Indian shop keepers had their property looted at Kyanyo near to Kyaukkyi. The Village Headman is said to have deliberately ignored what was going on and, we are pleased to see has since been placed under suspension and sent for trial in connection with this case. There were only two other incidents in the neighbourhood involving attacks on Indian traders and in all these cases a number of persons were arrested.

Although it is possible that the rumours which prepared the atmosphere of uneasiness that preceded these slight disturbances had been deliberately put about, it cannot be said here that the attacks on Indians were really organized. But it is established that a number of bad characters had assembled in Kyaukkyi in readiness to take advantage of any disturbance that might occur.

Pyawôn.

Bogale.
29th July.

Tension began in this district on the 29th of July when rumours reached Bogale that a "tazaung" of the Sule Pagoda in Rangoon had been destroyed. These rumours were immediately exploited by the local *Thakins* who convened a meeting at which it was decided to assault all Indians in the town and to destroy their property. It was arranged that the signal should be given by the beating of a gong that night. At about 8 p.m. the agreed signal was given and a mob collected outside the house of *Thakin* Thin, the leader of the Bogale *Thakins*. The mob moved off towards the bazaar collecting recruits as it went but was checked by a police patrol, whereupon it broke up into smaller groups and filtered into the bazaar quarter. Widespread looting of Indian shops and stalls ensued and continued for about an hour. The First Additional Magistrate patrolled the town with the police the whole time. When the patrols came near, the crowds dispersed only to collect again as soon as the patrols moved on. The Magistrate then ordered the police party to fire one shot in the air. This had the effect

desired. The mob near the police party fled and the other looters decided to go home. For a time there were sporadic attacks upon shops, but by midnight quiet had been restored and there were no further incidents that night.

The Deputy Commissioner and District Superintendent of Police received early news of this riot. They collected thirty-one military police and sixteen civil police and set out for Bogale at once, arriving early on the morning of the 30th. They immediately collected all available forces and marched round the town visiting every quarter. After completion of the march patrols were posted in the town. All was quiet that day. But it was said that a second riot had been planned and that but for the march round the town there would have been a further outbreak of looting that morning. 30th July.

Shortly after 8 a.m. on the 31st of July trouble broke out again over some trivial matter dangerous only because of the excited state of the town. Crowds armed with *dahs* and sticks were roaming through the town, looting Indian shops, but they melted away at once on the appearance of the Deputy Commissioner and District Superintendent of Police who were at the head of two separate police parties. Order was soon restored, and thirty-eight persons were arrested for taking part in the rioting. A further twenty arrests were made during the following two days and it is put down by the officials to these arrests that there was no further disorder in Bogale. 31st July.

Two other incidents deserve mention at Bogale. On the night of the 2nd of August a Muslim house on the outskirts of the town was burnt. This was suspected to be due to incendiarism. On the same day information was received that tattooing for invulnerability was taking place at Payachaung, a village about a mile outside the town. The District Superintendent of Police immediately investigated this information and found that it was true. Nine tattooed persons were arrested and a day or so later the *pongyi* who had performed the tattooing was run to earth, arrested and proceeded against under section 107 of the Criminal Procedure Code. He was found to be a young man of limited intelligence and no apparent influence. But we feel that the prompt action of the police was creditable.

On the night of the 30th of July, there had been some trouble in Pyapôn town, where the Headquarters Assistants to the Deputy Commissioner and to the District Superintendent of Police had been left in charge. False rumours caused excitement and Burmans were obviously ready to attack Indians on the slightest provocation. A number of minor attacks did in fact take place upon both the persons and the property of Indians but the police and Magistrates were quickly on the spot and the trouble did not spread. Tension continued for several days and on the 3rd of August there was an incident in which some twenty Burmans visited a field hut inhabited by about ten Chittagonians. The inhabitants fled but were surrounded and attacked with *dahs*, two being killed. Seven persons were, we are glad to see, sent for trial in this case, six having made confessions. Pyapôn Town. 30th July.

**Dedaye and
Kyaiklat.**

At Dedaye and Kyaiklat there was tension and elsewhere in the district there were isolated cases of attacks upon Indians. Due, perhaps, to its proximity to Rangoon, a feature of the district was the number, variety and strength of the rumours in circulation.

Bassein.

There was practically no trouble in this district except that on the 31st of July forty Burmans attacked and looted an Indian shop at Daikpyet at about 7-30 p.m. The situation was quickly dealt with by a Sub-Inspector of Police and police constables who went at once on a trolley to the scene. Reports were also received of attempts to burn the Mosque at Shagé. For the rest, it was a story of alarms and rumours and impending incidents, all promptly and firmly handled by the police, who received great help from various sections of the public. We think that residents of Bassein, both officers of Government and members of the public, may look back upon the record of their town and district during the riots with some pride and satisfaction.

Meiktila.

Meiktila was fortunately very free from disturbances. Such disturbances as did occur are ascribed to a feeling that the Buddhist religion had been insulted and a sympathetic reaction to the riots elsewhere. Many rumours were circulated in the district, particularly in Thazi, from the 30th of July onwards and the police made timely arrangements for meeting any trouble. On the 31st of July there were a few cases of stone-throwing at Indian gharries and on the next day an Indian shop was stoned at Yegyo, half-way between Meiktila and Mahlaing. Late that evening two Muslim houses at Mahlaing were set fire to and an adjoining godown looted. These buildings adjoined a Mosque. Military police were sent at once from Meiktila and these, together with the civil police, controlled the situation. Two rounds had to be fired to frighten off an unruly crowd outside the town but no one was hurt. This was the most important incident in the district. Presumably, it was intended to burn the Mosque as well. On the following morning two military policemen were assaulted with sticks and stones by a small party of Burmans at Mahlaing. In the evening thieves attempted to break into an Indian shop. On the 5th of August there was some half-hearted stoning of an Indian shop in Thabutkon but there was no serious trouble. Tension continued in the district for some time but there were no further incidents.

Yamethin.

The trouble in this district was confined almost entirely to Pyinmana. On the 31st of July at about 9-30 a.m. there was a private quarrel in Pyinmana Bazaar between a bazaar seller and a madman. This created a panic and in a few moments the hooligan element of the town was looting all over the bazaar area. No big shops were touched but small "one man" stalls and Indian cooly lines were completely sacked and there were a few assaults. Civil and military police were called out and by 1 p.m. the situation was completely in hand. At night the main roads into Pyinmana were picketed and the town was patrolled.

A party of about fifty persons all armed with various weapons and led by a *pongys* was rounded up while attempting to enter the town across the Ngalaik River. Almost at the same time two determined attempts were made by a large mob of armed villagers to rush the pickets on the west of the town. Two pickets had to open fire but they caused no casualties. There were other attempts to gain entrance into the town but these were also frustrated. During the following four days there were other minor incidents but the general situation was kept well in hand. From the 5th to the 15th the situation improved. But on the 16th there was a recrudescence of trouble. As a result of a long standing quarrel a Burman, who most unfortunately happened to be an *upazin* from a nearby *kyaung*, was assaulted and severely cut with *dahs* by Zerbadis. *Pongyis* retaliated and attacked Zerbadi houses and a girl received *dah* cuts. This incident had no immediate developments but on the 18th of August attacks on Zerbadis recurred. *Pongyis* took a large part in these. They were armed and some had charms painted on them. The police were able to retain control of the situation. For a good many days after this there were isolated attacks upon Zerbadis in Pyinmana and its neighbourhood. On the 30th of August tattooing for invulnerability was discovered in certain villages north of Pyinmana. Freshly tattooed persons and the *saya* who had been doing the tattooing were found and arrested, on that and the next day.

Myingyan.

The exaggerated and inflammatory accounts in the vernacular newspapers of the riots in Rangoon reached Myingyan District about the 30th of July. At the same time, there was a crop of rumours which were both false and calculated to incite communal antagonism between Burmans and Indians. As in other parts of the country, these were responsible for the outbreak of disturbances in the district.

The chief trouble in the district occurred at or near Nyaungu Fire had to be opened four times at this place, three times by the police and once by private persons in self-defence ⁽¹⁾. On the 30th of July, an Indian shop was stoned but nothing serious happened until the evening of the 31st of July. Then, a mob of about a hundred *pongvis* and fifty Burmans started to attack Indians with *dahs* and sticks. The Police Station Officer tried to disperse the crowd but was not successful. He eventually fired two shots one of which inflicted injuries on Maung Po Kaung in both legs. At the same time another crowd of Burmans attacked Indians in the Kwethhit Quarter of the town. The District Superintendent of Police and Township Officer attempted to disperse this crowd. A spear was thrown at the District Superintendent of Police but fortunately missed him. Three other assaults were made on him and a police constable fired one shot in defence. The crowd then dispersed. A Mosque was also attacked and there was a good deal of looting. On the following day, looting and rioting continued and the District Superintendent of Police was hit on the left wrist and knee by a bottle while he was trying to disperse a mob. The Circle Inspector of Police was also hit by a stone. The house and

⁽¹⁾ No representations have been made to us through the Deputy Commissioner in respect of this firing.

refinery of an Indian about a mile outside Nyaungu were also attacked by a mob of about a hundred Burmans. The owner had a double barrel gun and there was also in his house a Sub-Inspector of Police on leave, who also had a double barrel gun and a revolver. Seven shots were fired with these firearms but it is not known whether anyone was hit. One man, however, was found the following morning with gun shot wounds and immediately arrested. When the police party arrived the mob dispersed. Two houses and a *pyaungyo* stack were burnt down at Pagan and some kerosene was looted from an oil godown. On the following day, the 3rd of August at about 5 p.m. seven unknown persons approached the military police picket at the bazaar. They were ordered to stop but refused to do so and attempted to escape. They were chased, three being captured and one being wounded by a revolver shot from the Jemadar of the military police.

Myingyan Town.

Trouble at Myingyan itself was not so serious. Crowds collected on the 30th and there was considerable restlessness but nothing else happened. The tension persisted the following day but again there was nothing beyond a slight commotion in the bazaar. On the following morning an Indian hardware merchant was seen walking into his house carrying his double barrel gun. This attracted the attention of several Burmans who took offence and began throwing stones at his house. The police dispersed the mob. On the 1st of August 1938 a few stones were thrown at cooly lines in Steel's Spinning Mills. On the 2nd of August, there were some minor assaults upon Indians in the Spinning Mill area. That evening *pongyis* assaulted a Muslim boy in an Indian tea-shop and an ugly situation developed. The Deputy Commissioner was able, however, to persuade the *pongyis*, who had turned out armed with *dahs* and sticks, to go back to their *kyaungs*. After this, there were a few isolated assaults, but no serious trouble. There was some looting at Kyauk-padaung and one case of arson and stone throwing at Yonzingyi.

Two of the four cases of shooting occurred in self-defence. The third shooting was undertaken on the orders of the Police Station Officer, Nyaungu, who, on the face of it, was lawfully dispersing an "unlawful" assembly.

Minbu.

Nothing at all happened in this district until the 2nd of August. On that day information was received that Indians at Sinbyugyun and Konzaung, opposite Yenangyaung, feared that they might be attacked. Parties of military police were sent at once to both these places. That night a few stones were thrown at a Mosque and at an Indian barber's shop in Minbu and early the next morning Burmans attempted to burn a large Muslim shop at Sinbyugyun. Military and civil police were quickly on the scene, extinguished the fire and prevented further disturbances. On the evening of the 5th of August a Kaka shop at Sinbyugyun, which had been left unattended, was looted. Military and civil police arrived and three Burmans were arrested. Immediately after this an attempt was made to burn a building occupied by Hindus. The police patrols who were near the Kaka shop came at once and extinguished the fire before any damage was done. One Burman *ex-convict* was arrested. Five Burmans also attacked a house occupied

by a Sikh. They were armed with pick-axes and sticks and were arrested. The next morning an attempt was made to burn the bamboo fence of a cattle shed owned by Indians just outside the village. No damage was done. This concluded the trouble at Sinbyugyun.

Between 11 p.m. and midnight on the 5th of August, a few Burmans attacked some Chittagonians living in a hut at Konzaung, burnt it down and caused simple injuries to some of the inmates. The Subdivisional Officer, Minbu, with civil and military police extinguished the fire and arrested three Burmans that night and four others the next day. Two days later three abandoned huts belonging to Chittagonians were burnt in Konzaung. For the rest there were a few cases of actual or alleged stone throwing, but otherwise the district remained quiet.

Lower Chindwin.

There were no serious disturbances in this district at all. But there was considerable uneasiness and tension. On the evening of the 1st of August, fifty young *pongyis* armed with a variety of weapons marched into the town on the plea, wholly without foundation, that five *pongyis* had been assaulted by Indians and admitted into the Môngywa hospital. Eventually these *pongyis* were persuaded by the Deputy Commissioner and the police to go back to their *kyaungs*. On the following afternoon, another procession of *pongyis* from a rival faction marched through the town condemning Maung Shwe Hpi, his book, the publishers and Muslims in general. There were no further developments and the Deputy Commissioner and some other officers were again able to induce them to go back quietly to their *kyaungs*. There were a few minor attacks upon the property of Muslims and after the 13th of August, Indian shops were boycotted for a time. Normal conditions were restored in a few days. But for one or two minor incidents this was all the trouble experienced in the Lower Chindwin District⁽¹⁾.

Katha.

The only incidents in this District took place on the 4th of August at about 8 p.m. when two isolated assaults on Indians occurred in Katha Town. No great harm was done in either case. There was tension and several scares but no further trouble.

Myitkyina.

The only disturbance in this district was when a party of Burmese youths headed by *Thakin* Kyaw Thein looted eight Indian stalls at Mogaung and caused damage to the extent of Rs. 450.

Thatôn.

There was little or no trouble here. On the 31st of July a public meeting was summoned by *Thakin* Ba Than, President of the Municipality, at which provocative resolutions were passed. On the following

⁽¹⁾ We regret that at Môngywa there have been serious disturbances since we have written our report.

day, the District Superintendent of Police arrested a drunken Burman who was molesting Indians on the road to Theinzeik. On the next day, there was a quarrel between an Indian and a Burman in Theinzeik itself. The Burman collected a mob which is thought to have been armed and to have been led by local *Thakins*. The police dealt with the situation promptly. On the evening of the 3rd of August, there were six isolated assaults on Indians in Thatôn town. On the night of the 5th, a mob of Burmans broke into an Indian shop at Zemathwe about five miles from Thatôn. An Indian was slightly injured and some property was looted. There was no other trouble in Thatôn.

Hanthawaddy.

On the night of the 28th of July there was sporadic throwing of stones at Muslim houses in Kyauktan and Thôngwa. The situation deteriorated on the following day and on that night there were two attacks by Burmans armed with *dahs*, sticks and stones upon the houses of Chittagonians in Kayan. These Burmans assaulted the Chittagonians and set fire to their houses. On the following night more Muslim shops in Kayan were burnt and looted by hooligans. An unsuccessful attempt was also made to set fire to the Mosque. After this there was no serious trouble in the town of Kayan. On the same day the house of a Muslim in Thôngwa was set fire to. The fire was extinguished before it could spread. On the afternoon of the following day, the 31st of July, however, there was an outbreak of looting in the Kyauktan Bazaar. The local civil and police officers quickly brought the situation under control. On the 1st of August the house of a Muslim living about four miles north of Kayan was attacked by some twenty-five Burmans and cash and property stolen. Two Muslim shops were burnt on the 5th of August in the Twante Subdivision. There was another attack followed by looting in the Kayan Township on the 8th of August. Finally on the 21st of August an attempt was made to set fire to the Mosque at Wabalaukhauk in the Twante Subdivision. The riots in Hanthawaddy did not at any time assume grave proportions.

•

PART III.

Summaries and Conclusions.

•

CHAPTER XVIII.

The Police.

1. IN GENERAL.

In any civilized country, the security of its citizens, in life and property, must as it seems to us, be a condition precedent to the development of its national and domestic life and must on that account be the foremost responsibility of the State. This requires a police force. And the strength of that force and, to some extent, the regulations which govern it must necessarily be measured by the particular conditions in which it is required to work and by the duties it is required to perform. It may be disquieting, as the Fiscal Committee⁽¹⁾ has observed, that the cost of a service such as the police should account for so substantial a part of the expenditure of the State as ten per cent. We do not yield to that Committee any monopoly of recognizing the ideal of transferring as much as possible of that expenditure to the nation-building Departments *when it is possible*. But, if we are to understand the standard they have applied to public safety—a “*reasonably satisfactory standard*”—as meaning that they are content to take serious risks in the matter of public safety, then, in the light of what we have seen in the course of our inquiry and in justice to all without distinction who live in the country, we are not prepared to agree. For we think that it is a perversion of ideas—and, indeed, contrary to all experience—that nation-building services can flourish and exercise their proper influence where security of life and property itself is not first assured.

The safety of its citizens is the State's primary responsibility.

That the time has not yet arrived in Burma when its public security services can be relaxed we feel sure. The figures of its normal crime, which is not materially decreasing, are alone sufficient to prove that. And, if that alone were not sufficient proof, then the new social problems, among them the real danger of a communal problem, to which the nationalist and political developments of the past few years have given rise, can be added. We hope and believe that ultimately from the present phase of national and political excitement and disturbance a healthy public opinion may naturally emerge and, when it does, it will mark real political and social progress in the country. But the time is not yet.

The time has not yet come when public security services can be relaxed

It is a paradox that the very freedom of Burma in the past from the disturbing influence of any real political or communal upheavals has in the present disturbances proved a source of weakness. It is for this reason that we have found it necessary to write this chapter to explain what have struck use as a number of shortcomings in the forces of law and order to which attention ought to be drawn, if the action of the police in the disturbances into which we have inquired is to be properly understood and the same dangers in the future avoided.

(1) See page 199, Second Interim Report.

Lessons of
the 1930
riots.

Although the Coringhee riots of 1930 arose from causes which were strictly local, we think that some parallels are to be found between the course they ran and the disturbance in Rangoon into which we have inquired. Once started, those riots spread outwards from the centre of the City to the suburbs. And for their extension rumours of all kind were chiefly responsible. There were rumours of attacks upon the Botataung Pagoda and on Burmese women, which have found their counterpart in the rumours in these riots of the attacks upon the Sule Pagoda and the Shwe Dagon Pagoda. There was evidence that the Burman crowds made use on that occasion too of the *Thayettaw Kyaungdaik*. To some extent, the same attacks upon Indian stall-keepers were to be found. And not only did the Committee of Inquiry find that in those riots the Coringhees of Rangoon did not receive the protection from the police to which they were fairly entitled, but the police were criticised for their inaction and failure to suppress disturbances within their sight. Though these facts are in themselves of no importance in considering the riots into which we have been charged to inquire, we have observed them and they ought to be compared with the conclusions at which we ourselves in due course shall arrive.

Some essen-
tial consid-
erations
relative to
the police
forces.

We do not propose at the moment to deal with the question of the mere strength of the police. This is discussed elsewhere⁽¹⁾. We shall, therefore, assume a force adequate in point of numbers. We desire to add, moreover, that, in whatever we say in this chapter, we recognize certain essential characteristics of the functions and position of the police. The police are necessarily invested with grave responsibilities and duties, for what they have to do involves collective and individual safety, individual liberty and, sometimes, even individual life. It is, perhaps, insufficiently realized how responsible and difficult the task of the police officer is. And they labour under the handicap of working in conditions which necessarily afford them opportunities for, and often expose them to the suspicion of, abusing their powers. To perform their heavy responsibilities it is absolutely necessary to equip them with correspondingly wide, and sometimes almost arbitrary powers. And in the final and heaviest duty of the police officer of preserving order and protecting life and property in a time of rioting and disorder—which is the function with which we as a Committee have principally come in contact—he is bound to be given duties, powers and discretions which are almost unendurable. That too is not sufficiently recognized. It also has to be appreciated that almost everything a police officer does is done *coram populo* and is liable to be the object of criticism and misunderstanding by ill-informed, and of distortion and prejudice by ill-disposed, members of the public. And, finally, the police themselves must recognize that the sequel to their heavy responsibilities, and in some instances to their privileges, is that they must be circumscribed within exact legal limits, and that their responsibilities must be discharged with a high standard of honesty.

The Public
mistrust of
the Police.

No one, we venture to think, who, with an impartial eye, studies the position of the civil police in Burma and the conditions in which they work, can fail to be struck forcibly by one thing. It is the impenetrable barrier of prejudice, suspicion and distrust which

(1) See page 237, *et seq.*

separates them from all classes of the people. Nothing could be more calculated than this to make their work more difficult, to impair their efficiency, to encourage crime and to waste public money. If there is one thing more than another which is responsible for the stubborn resistance of crime to all attempts to decrease its volume in Burma, it is we think the universal distrust of the police. This was not itself a 'cause' of the present disturbances but most certainly it has been a hindrance both to their efficient handling and to the growth of that public opinion which alone, when it arises, will make their recurrence impossible. Whether this is inherited from India or to what extent it is deserved we cannot, of course, say. To what extent the lack of public support drives the police to expedients and practices which are discreditable, we are not in a position to know. For these are things beyond the scope of this enquiry. But we can say that of all things which, in our opinion, would make for tranquillity in Burma and which would at the same time lay the foundations for those nation-building movements to which the Fiscal Committee has pointed as the goal of efficient and economical administration, a complete and thorough overhaul of the police system of the country by an impartial body of experts is, in our opinion, the most to be desired. This lies outside the province of our inquiry, except so far as we have met throughout with mistrust and abhorrence of the police and an almost universal prejudice, even among respectable people, against them. There may well be some foundations of truth in the many charges that are levelled at them. But this much is certain, that the present state of affairs is unfair to the police themselves as a whole and to the citizens of the country. And it is a discredit and a handicap to Burma.

We have said that because, in our view, it goes to the root of many of the ills that Burma suffers from and it has to be removed before great progress can be made. If confidence in the police could be established then, we think, the people would be more ready to accept the rule of law. And once that happened a public opinion might arise which would insist upon tranquillity. And the police themselves would find their task less arduous and less disheartening. But, however, that may be, we have, in our scrutiny of police action during the riots, been impressed with a number of circumstances.

Two essentials to police efficiency in rioting.

Above all things there appear to us to be two essentials which, in fairness to the public and the police officer, must be insisted upon if the police force is to do its duty. The first is that the law which the police officer is required to carry out must be clear and satisfactory and both the police officer and the public must know with certainty what it is. And the second is that every police officer should be confident that, *if he does his duty*, he will receive the support of those to whom he is responsible, whether immediately or ultimately. In neither of these two respects is the position at present, in our opinion, entirely satisfactory.

It is for a number of reasons within our terms of reference to consider carefully the law which the police officer is charged to carry out in times of rioting. For it is, in the present disturbances, the metre gauge by which we have had to judge whether or not in any particular case he did his duty and, indeed, whether he has been given

The law which the Police officer is required to carry out.

a fair chance to do it. It contains moreover, the measure of the protection which the public is given and it has to be considered whether from the public point of view it is adequate to prevent or meet any future disturbances. We must, of course, confine ourselves to "rioting." And in this connection we have to consider three things—the Criminal Procedure Code, the Penal Code and the Police Manual, which together contain all that the police officer has to help and guide him.

The two classes of occasions during the rioting in which a police officer is called upon to use "force" ⁽¹⁾ are first in the dispersal of "unlawful assemblies" and secondly in the protection by the police officer of life, whether his own or someone else's, and property. It is not always easy to distinguish between these two classes of case, because to some extent they overlap. For instance, an unlawful assembly may well be actively engaged in threatening the lives and property of others. On the other hand, no active threat to life and property may yet have arisen, but it may be a reasonable apprehension that it will, or may, follow. Again, it may be extremely difficult to tell whether a real threat to life or property has arisen or, if it has, whether it is a serious one or not. In a third case life or property may be in danger at the hands of individuals who are not an "assembly" at all. These sources of a police officer's duty and powers require, therefore, to be carefully distinguished.

Definition of an unlawful assembly. Assemblies which are either *per se* unlawful or liable to be made unlawful.

An unlawful assembly is defined by section 141 of the Penal Code ⁽²⁾. We do not propose to discuss it at length because it is there to be read. It is sufficient to say that not every assembly is *per se* unlawful, even in a time of riot and that it is essential to the proper performance of his duties that a police officer should know when an assembly is "unlawful" and when it is not ⁽³⁾. But an assembly which is not, *per se*, "unlawful" within the meaning of section 141 of the Indian Penal Code may, if it is "likely to cause a disturbance of the public peace", become an "unlawful" assembly, in the sense that it may be dispersed by force, by

(1) The expression "force" includes, of course, resort to the use of firearms, where necessary and proper.

(2) Section 141 of the Penal Code :—

An assembly of five or more persons is designated an 'unlawful assembly', if the common object of the persons composing that assembly is—

First.—To overawe by criminal force, or show of criminal force, the Legislative or Executive Government of India, or the Government of any Presidency, or any Lie. tenant-Governor, or any public servant in the exercise of the lawful power of such public servant ; or

Second.—To resist the execution of any law, or of any legal process ; or

Third.—To commit any mischief or criminal trespass, or other offence ; or

Fourth.—By means of criminal force, or show of criminal force, to any person to take or obtain possession of any property or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right ; or

Fifth.—By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do "

Explanation.—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly."

(3) There has been a certain amount of confusion in the minds of some civil and some police officers in cases where people have collected together or gone out in procession, in disobedience to orders under section 144 of the Criminal Procedure Code. They do not necessarily *per se* constitute an unlawful assembly. (See further page 267).

the simple process of its being commanded to disperse by "*any Magistrate or Officer in charge of a Police Station*" and of its refusing to do so ⁽¹⁾. We draw particular attention to the words in italics. Unlawful assemblies, whether they are "unlawful" *per se* under section 141 of the Penal Code or are "unlawful" in the sense of section 127 (1) of the Criminal Procedure Code, may, if necessary, be dispersed under section 128 of the Criminal Procedure Code. This section is of such importance that we think it necessary to set out the relevant portion of it in the text :—

"128. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, *any Magistrate or officer-in-charge of a police station* ⁽²⁾, may proceed to disperse such assembly by force"

We again draw particular attention to the words "*any Magistrate or officer-in-charge of a police-station.*" Those then are the powers of dispersing an assembly which is either *per se* unlawful under section 141 of the Penal Code or is "likely to cause a disturbance of the public peace" and as such liable to be constituted an unlawful assembly by, and ordered to disperse under, section 127 (1) of the Criminal Procedure Code.

The other branch of the law is governed by that fasciculus of sections composed of sections 96 to 106 of the Penal Code relating to the right of private defence belonging to any individual. We do not propose to set these out in detail. But we do observe that resort to this power must, in law, always be a hazardous proceeding for a simple police officer, particularly in defending property, because in our view, the mastery of section 103 of the Penal Code requires no inconsiderable power of memory and legal understanding. What we desire to make clear is that from these two sources are derived all the police officers' powers of using "force" in civil rioting.

Powers of
Private
Defence.

Converting these abstract principles into terms of our experience during the course of our inquiry, we think that we can conveniently try so summarize the types of position that arose. By far the most frequent cases were those in which mobs of anything between twenty and a thousand patrolled the streets or attacked particular shops or houses. In nearly every case they were armed with some or all of the following weapons : *dahs*, axes, spears, sticks, loaded sticks, stones or bottles. The degree to which their constituents were armed varied from place to place. In nearly every place in the districts and frequently in Rangoon, mobs of this kind were to be met with. It was the standard form of rioting, but the circumstances varied infinitely. This was the type of crowd that in a disturbed district almost every District Superintendent and Deputy Superintendent of Police, Inspector and Sub-Inspector of Police, Police Station Officer, Head Constable

The types of
rioting met
with during
the
disturbances

⁽¹⁾ Section 127 of the Criminal Procedure Code :—

"(1) Any Magistrate or officer-in-charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse ; and it shall thereupon be the duty of the members of such assembly to disperse accordingly."

⁽²⁾ The italics are ours.

and policeman and every Magistrate was, at one time or another, called upon to deal with. There were, of course, other types of disturbance. There was the "procession" which in some cases was scarcely distinguishable from the "mob" we have just described; but, in other cases, was merely demonstrative. There were individual hooligans, robbers and murderers. There were the school boys. To deal with these situations satisfactorily requires a high degree both of practical knowledge of the relevant law and of confidence that support for lawful and *bona fide* action from both colleagues and superiors will be forthcoming. It was not, by any means, easy to determine at what point to intervene. And in this connection it must be borne steadfastly in mind that in almost every case the force of police was so inadequate—five, ten or twelve men—that in practice no effective intervention was possible except by shooting. That *must always be remembered* when considering what the police did, ought to have done and could do in connection with these and any other riots that may occur under present conditions⁽¹⁾.

The root trouble was lack of understanding by the police of what the law and their powers under it were.

The most frequent case, therefore, was that of the "mob" or "crowd" of the kind we have described. Let us consider, therefore, what these cases involved. One of the great criticisms made to us throughout will from our account of the districts be seen to have been—and to some extent it was true—that these crowds were allowed both to patrol the streets in the presence of police officers and magistrates too long before being stopped and even to threaten, or actually to commit, acts of destruction and looting too long before being dispersed by force as unlawful assemblies under section 128 of the Criminal Procedure Code. In many cases it was not until after a great deal of damage had been done to Indian shops, injuries to Indians inflicted and, in some cases, murder committed, that the only "force" possible was resorted to. In other cases, as in Letpadan⁽²⁾, no force was resorted to and the sequel proved to be murder on a large scale. This general criticism of the conduct of the police is not an easy one to deal with nor, at the moment, do we want to deal with it except in a general way. But it has a vital bearing upon what we are now attempting to discuss because, in our view, such justification as may exist for this general criticism of the police—and some justification does exist—proceeds largely from three sources for which the individual officers concerned are not themselves altogether to blame.

The three causes of failure.

First, we do not think that the law itself was adequate. Secondly we do not think that the police officers concerned, or, indeed, police officers generally, understood what their powers under the law were, and thirdly there was a general lack of confidence as to what might happen to them if they did their duty fearlessly. We will take these matters one by one.

As we have already pointed out, it requires "a Magistrate or an officer-in-charge of a police station" to make an assembly unlawful under section 127, and to disperse it under section 128, of the Criminal Procedure Code. In other words, these officers alone—and, of course, there

⁽¹⁾ When we deal with paragraphs 70 and 71 of the Police Manual it will be seen to what an extent the instructions given to the police were out of touch with the realities of the situation.

⁽²⁾ See page 189 *et seq.*

are included officers superior in rank to that of a police station officer—have the power to disperse an unlawful assembly under the Criminal Procedure Code. This has startled us. But we can find nothing which relaxes the stringency of section 128 of the Criminal Procedure Code ⁽¹⁾ and it must be accepted that that is the position. In practice, therefore, it was only where either a Magistrate or an officer-in-charge of a police-station or some superior officer was present that the powers of section 128 became available at all. In every place, both in Rangoon and in the districts, Magistrates were scarce. And officers senior to police-station officers were scarcer still, having regard to the small parties into which the police had necessarily to be split. This qualification automatically excluded Sub-Inspectors of Police who are the most numerous and the most useful class of subordinate police officers. In many cases, it was necessary, in order to control a town or village, to split up the police and military police forces into numerous small parties, some at fixed posts and some on patrol. It was, we think, the exception rather than the rule to find the smaller parties of police or military police accompanied by a Magistrate, a police-station officer or an officer senior in rank to the latter. It is highly important, in order to get an accurate view of the situation, to realize, and we therefore, repeat it, that the police and military police in any given place were as a rule so pitifully few that it was necessary in most cases to split them up into very small parties indeed in order to cover the ground. Rioters were on the whole not considerate enough to riot always in the face of large bodies of police under senior officers, where such bodies were available.

The requirements of section 128 of the Criminal Procedure Code.

We think that this defect is a very serious and dangerous one. And, moreover, it is unfair to the public that they should be deprived, as often happened, of the lawful protection of section 128 of the Criminal Procedure Code and to the junior police officers in charge of small parties of police whose position, with a heavy responsibility to shoulder and an inadequate training in how to discharge it, was highly precarious. We cannot say too strongly that, in our opinion, it is intolerable that the public should be deprived of the protection of section 128 of the Criminal Procedure Code and that the Sub-Inspector of Police should be exposed in this way to all the hazards of breaking the law.

A serious and dangerous defect.

We hold a strong opinion that the police officer as a whole inadequately understands what his rights and duties are in respect of the dispersal of unlawful assemblies and the protection of the public. He is, in our opinion, inadequately trained in this respect. This may be because of the previous history of tranquillity in Burma. Nevertheless, in our view, there is a distinct deficiency in the training, both practical and theoretical, which the police force as a whole receives in relation to their duties in times of civil disturbance, just as there was, as we shall show in our paragraphs upon riot schemes ⁽²⁾, an equally distinct failure in practical preparation to meet civil disturbance. It only has to be stated to become obvious that real efficiency cannot be attained without adequate instruction in the duties to be performed and it is

Inadequate understanding by police officers of their duties and powers.

⁽¹⁾ We have inquired from the Home Department of the Government of Burma and they know of no relaxations either.

⁽²⁾ See page 247.

most unfair to the police themselves that they should be expected to do with credit that which they have been inadequately trained to do. We have heard a great deal in the course of our inquiry to the effect that the police "were not given a free hand." There has been a great deal of loose talk about this sort of thing. The rights and powers of the police are laid down by Statute. If police officers as a whole, from the highest to the lowest, were more familiar with what their powers and duties really were and how to carry them out, we venture to think that they would have found it less necessary to rely upon the instructions they hoped to receive from the Government and easier to have simply carried out the law as they found it with confidence. We have found in more than one case a tendency to rely upon instructions given or expected to be given rather than a disposition to take the law as it stands and to carry it out. We think, as we have said, that this arises primarily from an inadequate training in matters relating to civil disturbances—in short, in lack of confidence in themselves. This applies, in our judgment, equally to senior and to junior officers.

The Police
Manual.

We now take the liberty of reproducing in a foot-note (¹) paragraphs 70 and 71 of Chapter III of the Burma Police Manual dealing

(¹) *Section II.—The Dispersal of Unlawful Assemblies and the Suppression of Riots.*

70. If an unlawful assembly, upon being commanded to disperse by a Magistrate or by an officer-in charge of a police-station, does not disperse, or if, without being so commanded it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer-in-charge of a police station may proceed to disperse such assembly by force (section 128, Criminal Procedure Cod.) If the dispersal cannot be effected by simply marching a force of police in formation appropriate to the circumstances up and down time (sic) street or across the place to be cleared, a detachment of men should be drawn up in double line and the orders given to "draw batons" and advance. On arriving within 50 yards of the crowd the first rank will be ordered to "charge" and "use batons", the second rank continuing to advance in support and, if necessary, charging as well. It must be remembered that the closer a crowd is pressed, the less are the members of it capable of offering resistance by the use of clubs, stones, etc., and that the baton is pre-eminently a weapon for use in close grapple with an adversary, so that in large open spaces, flank attacks with the object of closing up the mob and preventing their deriving advantage from superiority in numbers, will sometimes be found expedient. Military police should only be employed in serious cases and should then be kept in reserve under their proper officers and not allowed to mix with the mob.

General Instructions showing action to be taken and the procedure to be followed by the Civil and Military Police on hearing a jail alarm are given in Appendix VI.

71. In serious cases when danger to life or property is apprehended from an unlawful assembly refusing to obey orders to disperse, and where rioting is likely to occur, and if the procedure laid down in paragraph 70 has been tried and found ineffectual, or is clearly unsuitable, immediate intimation of the state of affairs should be sent to the nearest Magistrate and police-station.

If it is found necessary to send armed constables to the scene, they should be fully accoutred and should carry 10 rounds buckshot and 10 rounds ball per man, and should march to the spot under a responsible officer. It should be clearly understood that the arms carried by the police must be weapons actually provided by Government for the armament of the police. The carrying of arms of other than the authorized patterns is strictly prohibited. Special attention is also drawn to the words "responsible officer" in this paragraph. When it is expected or believed that the enforcement of any lawful order will meet with resistance, an officer not below the rank of Head Constable must invariably accompany the party detailed to carry out such orders. On arrival, the officer-in-charge of the party should report himself to the senior police-officer present. If a Magistrate is present, the police will act under his orders.

(Continued on next page.)

with the " Dispersal of Unlawful Assemblies and the Suppression of Riots." This will to some extent serve as an illustration of what we mean. Upon this, in practice, police officers, both senior and junior, have to rely. In our view, these paragraphs of the Police Manual contain instructions to the police which bear no relation to the practical experience of the riots in Burma and are, in some respects, incorrect and misleading. It is, in our opinion, quite shocking, and most unfair, that police officers should have been provided with this sort of careless composition upon a matter which is of vital importance both to them and to the public. As we have already pointed out more than once—and it bears repetition—the general experience in these disturbances has been that a handful of men, civil police or military police, as the case may be, have been called upon to deal with large crowds of rioters, armed, as often as not, with weapons ⁽¹⁾. With the exception of the affair in the Soortee Bara Bazaar in Rangoon we have difficulty in recalling a single case out of the many we have met with and investigated in which a contemplation of the drill manoeuvres of paragraph 70 of the Police Manual would have been anything but fantastic. We find much else to complain of, too, in these paragraphs. In paragraph 71, there appears to be a complete, and most misleading, confusion both of thought and expression between " the senior police officer " and the " officer-in-charge of a police station " who, or whose senior, or a Magistrate, alone has the power of dispersing an unlawful assembly by force under section 128 of the Criminal Procedure Code. Can anything be more unfair than for the official instructions to the police to contain a gross misstatement of the law? We take, again strong exception to the words of paragraph 71 which say that " If a Magistrate is present, firing must not take place except under his direct orders. . . ." It has been too common an experience of these riots that even senior and experienced police officers have yielded their legal discretion in this respect to inexperienced and irresolute

If after the arrival of the armed party, the mob still shows a determination not to disperse and if the Magistrate or, in the absence of a Magistrate, the senior police-officer considers the danger to life or property to be so imminent as to justify the use of fire-arms, he should give such warning to the mob as the circumstances permit. It should, if possible, be distinctly intimated that, if an order is given to fire, the fire will be effective, and that blank cartridge will not be used.

If a Magistrate is present, firing must not take place except under his direct orders to the senior police-officer, and firing must at once cease if he so directs. Otherwise the senior police-officer is responsible for the manner in which the firing is carried out, and no shot must be fired except on his distinct word of command. If he is of opinion that a slight effort will suffice, he should order one or two specified files to fire; if a greater effort is required, he should give the command for as many specified files to fire as he considers necessary. He must bear in mind the general rule that, in order to guard against the possibility of a sudden rush, not more than half the party should be ordered to fire at the same time, the others being held in readiness with rifles loaded. Buckshot should ordinarily be tried, ball being used only as a last resource. The use of blank ammunition is absolutely prohibited.

The fire should be so directed as to inflict as little harm as possible; aim, in the first instance, being taken at the feet of the nearest rioters, and due care being observed to avoid firing on persons separated from the rioters. Firing over the heads of the crowd is prohibited. Firing must cease the instant it is no longer necessary. Of this necessity the Magistrate or, in the absence of the Magistrate, the senior police-officer is the judge.

⁽¹⁾ We are told by an official witness whom we examined towards the close of our inquiry that, in the December and January phases of the disturbance, there has been a tendency for the crowds to be less heavily armed.

Magistrates in the mistaken belief, encouraged by such language as this, that the presence of the Magistrate absolves them altogether from the responsibility of ordering force to be used. A case in point was that of Taungdwingyi ⁽¹⁾. Another was at Letpadan ⁽²⁾. But the converse was the case at Okpo ⁽³⁾ where a resolute police officer, a Magistrate with him, took charge of the situation. As we read section 128 of the Criminal Procedure Code, it means that when there is a Magistrate and a police officer of the requisite rank present upon the appropriate occasion, the responsibility lies equally on the shoulders of both of them. We sympathise with the police officer who prefers to transfer the responsibility to the Civil Officer. It is natural. And we can well appreciate the burden of responsibility that a police officer has to bear when he has a timid or partial Magistrate with him. But we deprecate anything in the Police Manual which teaches him that, in the presence of a Magistrate, he is entitled to surrender to him his own discretion. It is again a case of an inadequate understanding by the police force of what their duties are.

Conclusions. We have come to the conclusion, therefore, that neither the law itself, nor the instructions given to the police by the Police Manual for carrying it out, are satisfactory.

Section 128 of the Criminal Procedure Code ought to be amended.

(1) In the first place, having regard to the experience of these riots that small parties of police are required to control considerable, and often armed, crowds, we think that the power to render them "dispersible" under section 127, and the power to disperse them under section 128 (1), must, in order to meet realities, be more widely distributed. In our view, the Sub-Inspector of Police ought to be included in that category of police officers whose powers extend to ordering the dispersal of an unlawful assembly by force and his training should be extended accordingly.

Paragraphs 70 and 71 of the Police Manual ought to be completely rewritten.

(2) We think that paragraphs 70 and 71 of the Police Manual are shocking. They have, in our opinion, but little relation to the practical probabilities of rioting which have been proved in the present riots, and, in material respects, they are inaccurate. They should be entirely rewritten ⁽⁴⁾. This section of the Police Manual ought to contain a clear, concise and definite statement of what the legal duties and rights of police officers of *all ranks* respectively are, carefully settled in consultation between both the police and the legal advisers of Government. Then the Police Manual should contain a statement of the various situations which actual experience shows are liable to arise and how they should be dealt with. In this the experience of these riots should be borne in mind. And, finally, it should make clear that these situations are not exhaustive of the possibilities but that on all occasions it is the responsibility of police officers to use their judgment and initiative.

⁽¹⁾ See page 98.

⁽²⁾ See page 189.

⁽³⁾ See page 201.

⁽⁴⁾ We understand that the Inspector-General of Police is himself proposing a revision of these paragraphs.

(3) We are satisfied that many senior police officers, and *a fortiori* junior police officers, do not understand what their duties, and their legal rights and powers, are in respect of the dispersal of unlawful assemblies, the protection of life and property and the suppression of rioting. This is, to our minds, a serious state of affairs and ought to be remedied without loss of time. It springs from an inadequacy of the law itself in the respect we have mentioned above, from a Police Manual which is, in our opinion, thoroughly bad in this respect, from inadequacy of preparation for rioting ⁽¹⁾, from inadequate equipment ⁽²⁾ and from inadequate training and practice ⁽³⁾. We deal with these separately. And last but not least it springs from lack of confidence, to which all the deficiencies we have mentioned above have made their contribution.

Police officers on the whole do not understand what their duties and their powers are.

(4) The vagueness as to their duties and powers which is noticeable among the police themselves is even more marked in the public. For it has been a common experience during our tour of the Districts to find unlawful assemblies labouring under the impression that no resort can be had to firearms except upon the orders, in some cases of the Government, and in others of the Deputy Commissioner. This again springs from the fortunate lack of experience of these things. The issue of an order under section 144 of the Criminal Procedure Code or the use by the police of their arms to disperse unlawful assemblies is, by a confusion of ideas, popularly supposed to be, and is spoken of as, "martial law." And, undoubtedly, there exists a confused notion that what is called "martial law" cannot be resorted to by police officers as of course in the case of necessity but has to be sanctioned by some high authority. It is high time that this was corrected and a statement of the law as it stands issued. This is a measure of justice both to the public and the police.

The public also are ignorant of what the powers of the police are.

The second of those essentials to which we have referred above ⁽⁴⁾ as being, in our view, necessary to the efficiency of the police as a whole is that every police officer should be confident that, *if he does his duty*, he will receive the support of those to whom he is responsible whether immediately or ultimately. This is not a very easy matter to deal with because it is one of police psychology rather than of fact. Nor do we mean to suggest that when the police do wrong they are entitled to expect an automatic coat of official whitewash. We mean nothing of the sort and we do not for one moment think, as this report of ours most plainly shows, that the police of Burma are without blemish. We have already said that, in our opinion, a matter of first rate public importance is that a serious attempt should be made to find out why the police have failed to obtain the public confidence and, if necessary, to purge the force of whatever the cause may be. And if, and when, that has been done, the next most important step will be to give them that public support and confidence which is certainly now withheld from them. At present, it is beyond question that the police forces on the whole lack public confidence and public support and

Lack of public support and confidence.

⁽¹⁾ See page 247.

⁽²⁾ See page 246.

⁽³⁾ See page 244.

⁽⁴⁾ See page 227.

thereby much of their effort, and a great deal of public money, is wasted. And this has produced in the police themselves as a whole a lack of confidence due to discouragement. Let the police force first be put in order, if it is wrong, and then both officially and publicly encouraged and we venture to think that a great step forward toward public tranquillity and a decrease of crime will have been achieved. We find a disposition among police officers—and we think that in this there is no distinction of race—to suppose that they do not meet with encouragement and support at the hands of those to whom they are responsible in the measure they deserve. In some measure this is true. We have been at pains during our inquiry to examine with particular care those cases in which charges of excesses have been levelled against them in the House of Representatives and earlier in this report we have referred to them. Almost without exception they were immoderate, wild and baseless. It is difficult to expect an efficient, and even an honest police force, when it is exposed on all hands to every form of irresponsible suspicion and prejudice. We, therefore, make a plea that an effort should be made once and for all to put right whatever may be wrong with the police⁽¹⁾ and thereafter that it may be given a fair measure of public and official confidence.

2. THE USE BY THE POLICE OF FIREARMS.

We have met with two points of view, the first that resort was not had to the use of force at a sufficiently early stage, the second that the use of force was unnecessary throughout or, at least, that it was in most cases, prematurely used. The first of these points of view is apparent in the evidence of those who charge the police with standing by while looting and assaults went on and with allowing dangerous crowds to roam the streets of towns and villages, pillaging as they went. The other point of view is represented by the many cases we have examined in which, when the police did fire, they have been attacked.

The conclusions at which, after the most careful examination, we have arrived in the many cases of shooting which we have dealt with, will show that the latter of these contentions is not true. The narratives contained in Part II of what happened in many Districts show, we think that the former does contain a good deal of truth. We do not want to enlarge upon it, except to say again that, in our opinion, it sprang from lack of familiarity with rioting, lack of training, lack of equipment and above all lack of confidence. We desire to say that, in our judgment, this was very marked in Rangoon itself. As we have pointed out, it was not until 2 p.m. on the 29th of July⁽²⁾ that a shot was deliberately fired by which time murder, assault and looting, in an aggravated form, had been going on unchecked for nearly twenty eight hours. We can sympathise with the view that during the comparative

(1) It must be appreciated that our inquiry is not an inquiry into what the police have done, or omitted to do, except in relation to the riots. Where their acts or omissions have been brought to our notice in connection with the riots we deal with them in this report. But that does not enable us to express an opinion as to whether the universal suspicion that the civil police force is as a whole corrupt has any foundations in fact or not. We have, therefore, deliberately refrained from expressing any view.

(2) At Bow Lane. See page 40.

hull on the 27th of July nothing could safely be done to provoke resentment. Nor, indeed, was there any great need for firing then. Yet we are told that at a meeting with the Commissioner of City Police on the evening of the 27th of July "the Ministers were against it." But from 10 a.m. on the morning of the 28th things assumed a very different aspect. At 8 p.m. that evening, the Premier expressed his concern at the casualties involved and his wish that "definite orders" should be issued not to refrain from opening fire "in the protection of life." At 9 a.m. the following day, the 29th, the Commissioner was asked to warn all communities that firing would be opened on any one committing offences against property or persons and upon parties of more than five people and these instructions were issued to Police Officers⁽¹⁾. We find in these proceedings the same tendency as we have noticed elsewhere to assume that the powers the law provides are to be used only when high authority has said they may. In principle we think this bad. We find no constitutional impropriety in responsible Ministers giving the Commissioner of Police advice and help. But we think we can discern a preference in the police themselves to cover themselves by authority rather than to rely upon the law. We have no doubt that had, in a few instances, stern measures been taken in Rangoon on the 28th, much bloodshed would have been saved on that and the ensuing days, because, as we have said so many times, an early resort to moderate and lawful force is ultimately the most humane course to take.

3. STRENGTH OF THE CIVIL AND MILITARY POLICE.

We have had some doubt concerning the extent to which this matter falls within our terms of reference. We feel, nevertheless, unable to deal comprehensively or fairly with the question whether, and, if so, in what respects, the police failed during these riots unless we consider, too, their strength. And, moreover, the strength of the police is vital to the question of how a repetition of these disturbances may be avoided. We, therefore, take the view that a reference to this matter properly falls within the scope of our inquiry. But we desire most particularly in this, as in those other aspects of our inquiry which have brought us into contact with matters which require more expert knowledge than we possess, to make it clear that we do not pretend to have the technical knowledge necessary to conclude the question nor do we fail to recognize that there may be other points of view than ours. For, we have necessarily considered the questions which have arisen before us from the point of view primarily, if not entirely, of the riots. It is no doubt extremely easy and very tempting, to say that, because the greatest possible strain was placed upon the resources of the civil police and military police during the riots, therefore they were inadequate in numbers. We recognize that danger and we have attempted to avoid it and to consider this question without a bias of any kind. The starting point for any consideration of it must be first to ascertain what function it is that the police are expected to fulfil. In this, of course, we refer primarily to the civil police because the function of the military police is clear. The civil police are expected primarily to prevent, detect and deal with crime. That is their primary civil function and, in the sense in which we use the word here, "crime" means the ordinary normal crime which, unhappily, is inherent in any society

How far this question falls within our terms of reference.

What is the proper function of the civil police?

⁽¹⁾ Instructions which, in their general form, are of doubtful legality.

and from which Burma is not free. But obviously that is not the only function of the police. A force of City police has many other subsidiary duties, wholly unconnected with crime, such as the registration and regulation of vehicles of all kinds, ceremonial duties and many others, all of which detract from their primary functions. But we take the view that, in a city such as Rangoon and in a country such as Burma, it is also impossible to exclude from the proper functions of the civil police force the contemplation that they may be called upon to deal with that form of abnormal crime which manifests itself in civil disturbance and commotion. Their duty of providing, as far as may be reasonably possible, a standard of general public security extends to times of disturbance no less, we think, than to times of tranquillity. It is important that this should be recognized, because it goes to the root of the whole organization of the civil police force of the State. Obviously, a civil police force whose duties end when civil disorders break out, requires a standard of organization, training, equipment and strength which will differ widely from what we contemplate, if the principle we suggest is right. But we recognize, in spite of this, that there are limits to what can be expected of such a force in this direction.

The City Police.

Insufficient security existed in the City.

The conclusion we have reached, and we propose to state it at once and boldly, is that, in Rangoon, even in normal times the present establishment of civil police is probably insufficient to perform effectively its function in respect of normal crime; and that, in times of riot or disturbance, the present establishments of civil and military police together are inadequate to secure that degree of public safety to which, in our view, all citizens, irrespective of race, are entitled. We express the considered opinion that in the former respect the peaceful and law abiding citizens of Rangoon, whatever their race, have not the protection of life and property to which they are entitled and that in the latter respect, if rioting is henceforth to be regarded as a practical possibility, the position is one of constant danger. It is, in our view, no answer to the latter of these two views to say that in the present disturbances no major disaster has yet occurred. That is true. But there is another aspect of that which is that there has been both in Rangoon and in the Districts a great deal of loss of life, suffering, pillage of property and dislocation of legitimate business which ought to have been prevented.

Establishment of Rangoon City Police.

Recommendation for increase made by the Committee of Inquiry into the riots of 1930.

We set out the establishment of the Rangoon City police in Appendix IX to this report. We take the opportunity also of pointing out that, notwithstanding the growth of the City both in population and in area since 1930, the strength of its police remains virtually the same as it was at the time of the Coringhee riots. A Committee was appointed in that year to enquire into those riots. One of its major recommendations was that the strength both of the civil and military police was inadequate and it pointed out how unfavourably the security of Rangoon compared with that of Calcutta and Bombay. It is the same to-day. We take the liberty of reproducing the relevant passage from the report of that Committee:—

“21. One of the facts that emerge most obviously from the history of the riots is the unpreparedness of the Police

Force to cope with such disturbances. Complaints have in the first instance been general as to the inadequacy of the force. According to the figures given to us the strength of the force per head of population in Rangoon does not differ very largely from the strength in Calcutta and Bombay. But if the area over which the force has to operate be considered—and in disturbances such as those that have been the subject of our enquiry this is a very serious consideration—Rangoon suffers very badly by comparison. Bombay has 171 policemen to the square mile, Calcutta 183 and Rangoon only 51. We think that the civil police were inadequate in number to deal with the disturbances, and these figures lend considerable support to the case for an increase. The civil police were able to call in the aid of military police, but here again the numbers available were inadequate, and would have been still more so had it not been for the special detention in Rangoon of units that would normally have been doing duty elsewhere. We are of opinion that the strength of the Rangoon civil police and of the military police stationed in Rangoon should be increased."

More recently also representations have been made as to the adequacy of the strength of the Rangoon City Police. On 22nd February 1937, the then Commissioner of Police, Rangoon, in a detailed and reasoned letter⁽¹⁾ to the Home and Political Department of the Government of Burma, pointed out to what extent the strength of the Rangoon City Police was insufficient even for its normal duties. He pointed out that in 1925, the Rangoon Town Police had been reduced to the extent of three hundred and thirty men and that, in his view, it required an increased establishment of five hundred and forty-two men of all ranks in order to enable the force to carry out with efficiency the duties required of it. One has only to read that letter to appreciate to what extent the many incidental duties allotted to the police force detract from its strength available to carry out its real function of the prevention of crime and the apprehension of criminals. Such duties as the maintenance of a Criminal Record Department, a Photographic Department, an Arms Department, a Training Depot, a Motor Vehicle Department, a Stores Department, a Hospital Staff, Orderlies, a Passport Staff and so forth have largely to be provided for from the ordinary strength of the police which would otherwise be available for their legitimate functions. In the seventeen years between 1921 and 1938, the population of Rangoon has increased by close on a hundred thousand people and its area has increased by many square miles and is increasing still. It seems to us to follow that a force which was adequate in 1921, would, even without being reduced in 1925, have been inadequate even for its normal duties in 1938. We are not, however, concerned so much with the performance by the police of their peace time duties, except to point out that a police force which is inadequate to perform its normal function is,

More recent representations as to the strength of the City Police. Mr. Reynolds' representation of 1937.

Growth of Rangoon.

⁽¹⁾ Establishment Department No. 1518—110E.D., dated 22nd February 1937, from the Commissioner of Police, Rangoon, to the Chief Secretary to the Government of Burma, Home and Political Department.

a fortiori, inadequate to guarantee the public safety in a time of civil disturbance. Possibly a part of the penultimate paragraph of this letter is worth preserving. It observes :—

“ As I said at the begining of this letter, I do not expect such a large increase to be given *en bloc*, but it is a matter that calls for regular attention and steady improvement. There is no reason why a department here and a police-station there should not be given its proper strength when the opportunity arises, just as has recently been done for the Lock-up. It will be far better to do this than to do nothing at all until a big crash comes.”

Mr. Lawson's
representa-
tion of April
1938.

On the 26th April 1938, barely three months before the riots began, Mr. Lawson, who was then the Commissioner of City Police, again wrote to the Home Department of the Government of Burma and pointed out in explicit language that he was in full agreement with what his predecessor had written and that it was obvious to him that a force insufficient to carry out its every day duties must, *a fortiori*, be insufficient to deal with disorder and rioting. The Commissioner of Police was then writing with the experience of the bus strike, fresh in his mind. The effects of the bus strike, though of short duration, confirmed his experience and the experience of his predecessors during the Coringhee riots that the Rangoon Town Police were not sufficiently strong to deal with disorder on a large scale in Rangoon. He pointed out that, had the civil police been stronger, considerable bloodshed might have been averted. Lieut.-Colonel Macdonald, who was the Inspector-General of Police at the time of the Coringhee riots strongly held the view that the police force could not effectively control the situation during those riots. According to Mr. Lawson, the murders which took place after the actual rioting had ceased were solely due to the insufficiency of the police force. Mr. Lawson concluded his representation by saying :

Lieut-
Colonel
Macdonald's
view.

“ In conclusion I feel it my duty to say that the insufficient strength of the Rangoon Town Police is a source of very grave anxiety to the Commissioner of Police and his Officers. I have no desire to issue an ultimatum or to adopt the rôle of scaremonger. But at the same time I feel it necessary to place on record that failure to reinforce the Rangoon Town Police may result in very serious consequences.”

These
opinions are
justified by
the
experiences
of the
present riots.

The experience of the recent riots in our judgment, has fully justified the apprehensions expressed by successive Commissioners of the City Police. We have been very forcibly struck, and have more than once said so, during that part of our inquiry which related to the Rangoon disturbances by the almost cynical admission of the ineffectiveness of the City Police, which is implied in the fact that it was a recognized act of strategy that as soon as a serious disturbance emerged the Rangoon City Police were withdrawn from the streets and relegated to a comparatively sedentary rôle as spectators. We are far from failing to appreciate both the justice of and the necessity for, that course, having regard to the unsuitability of the equipment of the police to meet determined disorder on the part of a population which was known

in time of disturbances to be generally armed. Though we appreciate the reason why this confession of ineffectiveness was necessary, we are unable to believe that it is tolerable that a position such as this should be maintained.

When on the morning of the 28th of July rioting, murder and assault became almost general, it is a fact which has not only been conclusively proved before us, but is admitted, that but for those main streets which could be picketed by the comparatively few military police and soldiers who were available, the side streets and the outlying settlements of Rangoon, in which great numbers of the population of all communities lived and carried on their businesses, had, for the time being, to be abandoned to lawlessness and outrage. This particular ineffectiveness of the City Police came about not through any fault of their own but because of what, in our opinion, was a complete and wasteful misconception of the part they ought to play in such a situation. We have received complaint after complaint from the owners and occupiers of pillaged shops and premises that they were unable to obtain protection. We have been told that looting and other outrages were perpetrated almost within sight of police stations and of policemen. We do not doubt that in many cases these complaints are true. The military police were so few that at the critical time they had to operate at fixed points from which, rightly, they could not move. The civil police, as we have said, were almost completely immobilised. And in any case, speaking generally, it was impossible for unarmed constables to deal effectively with rioters and looters armed with *dahs* and other weapons. It may be that in some cases individual policemen might have shown a little more initiative or a little more courage. But, on the whole, it is impossible in all the circumstances to place the whole burden of the blame upon the police themselves for not having taken a larger share than they did in the protection of the life and property of the Indian citizens of Rangoon.

The ineffectiveness of the City Police.

The Military Police in Rangoon.

When we started this inquiry we learned with great satisfaction that Rangoon was equipped with two battalions of military police. This we thought was an imposing and sufficient force consisting, as it does, of an establishment of thirty Governor's Commissioned Officers and eleven hundred men in the second Rangoon Battalion and still more in the first battalion—altogether a force of some two thousand five hundred men. It was with disappointment, therefore, that we learned that, at the moment the riots broke out on the 26th of July, the total force of military police immediately available in Rangoon for their suppression amounted only to one hundred and forty-four men. To be fair we have to appreciate that one hundred and seventy-five men from the two battalions were on special duty at Syriam where apprehension still existed owing to the strike and that one hundred and twenty of these men were brought back to Rangoon on the 26th, leaving only fifty-five still at Syriam. It is, nevertheless, a good illustration of the dangerously narrow margin to which the security of Rangoon had been reduced⁽¹⁾. As it was there were two hundred and sixty-four men available for

The strength in Rangoon.

⁽¹⁾ See page 36.

Rangoon, one hundred and forty-four immediately and one hundred and twenty on being summoned back from Syriam. But had Syriam taken it into its head to follow the example of Rangoon on the 26th or 28th, it by no means follows that these hundred and twenty men would have been available. We have inquired what is the reason for this remarkable discrepancy between the paper and the actual strengths of these battalions and we take the second Rangoon Battalion as an example.

Its paper authorized establishment on the 26th of July—the date on which the figures were compiled—was thirty Governor's Commissioned Officers and eleven hundred other ranks. There were on outpost duty fifteen Governor's Commissioned Officers and five hundred and eighty-three other ranks, leaving a balance at the Rangoon Headquarters of fifteen Governor's Commissioned Officers and five hundred and seventeen other ranks. These outposts are apparently garrisoned permanently from Rangoon in such places as far away as Akyab and Sandoway. We understand there are eight such outposts. Of these five hundred and seventeen men, one hundred and twenty-six were recruits, only ten of whom had fired their recruit course. The battalion was one man under strength and had forty-one men on leave or furlough. Three men were attached to the other battalion. At Rangoon two Governor's Commissioned Officers and eighty-six men were required to fulfil the normal guard duties allotted to the battalion, allowing them only every other night in bed instead of three nights in bed to one on duty. Four Governor's Commissioned Officers and sixty-one men were employed on battalion duties and there were twelve buglers. One Governor's Commissioned Officer and forty-three men were required for the protection of Prendergast Lines, while the men who were sick and sick-attendants amounted to fourteen. In this way, excluding the one Governor's Commissioned Officer and twenty-nine other ranks of this battalion who were at Syriam on strike duty, there were four Governor's Commissioned Officers and ninety-six men only available for riot duty. In the other battalion which had supplied a larger number of men to Syriam matters were worse and there were only about fifty men actually available for riot duty.

Misleading figures.

We have drawn attention to these figures, not because we can, or desire to, criticize the organization of the military police in itself, but in order to point out how misleading it can be to console oneself with the reflection that there are two battalions of military police in Rangoon⁽¹⁾. The actual situation is that, apart from the actual military, with whom this Committee has nothing to do, law and order in Rangoon in a time of emergency such as that which arose on the 26th July 1938 depended upon a civil police which was inadequate in numbers even for normal peace time duties, which was virtually unarmed and which it was recognized would be relegated to its police stations in an emergency, and one hundred and forty four or at most three hundred and nineteen military police. We do not think that any further comment of ours upon that situation will make the point any stronger.

(1) We understand that an increase has been asked for.

We add, however, the following simple facts. The largest number of military police actively engaged in the city at any one time during the disturbances—that is to say, on the 29th of July—was four hundred and sixty men without allowing any reliefs for them at all. Assuming that military policemen can work without rest or sleep throughout the duration of a riot however long it may last and, on the footing, not merely that four hundred and sixty military policemen were employed but that four hundred and sixty military policemen were *all that ought to have been employed*, it still remained to find upwards of two hundred men from outside Rangoon. We are told by Major Chappell that many of his military policemen worked without rest for four days or more. That, of course, could not go on indefinitely. Moreover, it leaves unprovided for the contingency, which it was fortunate did not occur in this case, that the critical days in Rangoon might coincide with a crisis in the Districts also, in which case military policemen might not have been available to be sent to Rangoon.

The real position.

The Civil and Military Police in the Districts.

We have dealt so far with the strength of the police in Rangoon. We give in Appendix VIII the strength of the District Police. This strength again is based upon what is required to deal with normal crime and it raises the same question of principle that we have noticed in relation to the Rangoon City Police—whether the civil police force is to be regarded as an instrument to deal with civil disturbance. We have expressed the view that it should be so regarded, if only because, in our opinion, it is undesirable that military police should have to intervene so long as civil police can control a situation. We have the view of the Inspector-General of Police that the District Police are “decidedly under-manned” ⁽¹⁾. And we also have his view that “the strength of the Burma Military Police is undoubtedly insufficient to cope with widespread riots” ⁽²⁾.

Views of the Inspector-General.

We have formed our own conclusions during our tour and they coincide with those of the Inspector-General of Police. We have been struck in place after place with the pitifully small garrisons of civil police in quite large towns. A police station having an establishment of forty constables is, we fancy, usual in a town of anything from eight to fifteen thousand inhabitants. And of these we think that, on an average, only about half can be armed with smooth bore muskets ⁽³⁾. The normal establishment of military police at a District Headquarters is, we think, seventy-two. We are told that this establishment of civil police is insufficient for the effective performance even of their normal routine of dealing with crime and, apart altogether from any question of rioting, that in itself is, we venture to think, a matter for further inquiry. But when it comes to the contemplation of civil disturbances, the position is, in our view, highly unsatisfactory. We shall have some thing to say upon the equipment of the police and it may be that a more plentiful supply of more suitable weapons than the police musket and the police *dah* might be a step in the right direction. But it does

Our own Views.

⁽¹⁾ See page 13 of the reply of the Inspector-General of Police to our Questionnaire.

⁽²⁾ See page 14 *ibid*.

⁽³⁾ We are told that this is a most inefficient weapon.

not convince us that the strength of either the civil or military police is adequate—at least to deal with rioting. We understand that proposals have been submitted to the Government for remedying these defects and we hope that they will receive the consideration which, in our judgment, they deserve.

Special police reserves.

We understand also that proposals have been made by the Inspector-General of Police for the establishment of local special police reserves in many towns and major villages under section 17 of the Police Act, 1861. This is a step which we most heartily applaud, for it conforms entirely to the views which, so far as the City of Rangoon is concerned, we ourselves express in this report⁽¹⁾. The scheme put forward by the Inspector-General we understand to envisage a strength of some four thousand special police. Nothing in our view could be better. But we give the same warning as we give in our criticism of the lack of preparation in Rangoon in this respect. It is useless, and worse than useless, to expect to have a satisfactory force of special police unless the most careful preparation is made both in selecting the men to compose it and in teaching them what is expected of them. We understand that the Inspector-General has observed the same difficulty in connection with section 17 of the Police Act of 1861 as we have observed and commented upon in relation to the Rangoon Police Act. An amendment of section 17 of the Police Act of 1861 will, therefore, have to be made before the scheme can become effective. If this scheme matures, as we hope it will, it will go some way to curing the deficiencies which may exist. But by itself it will not be enough and we still think that an increase in the regular civil and military forces will be necessary for some time to come.

4. POLICE TRAINING.

Insufficiency of attention to riot matters.

We do not desire to repeat again what we have said in the general paragraphs of this Chapter relating to what, in our view, is an insufficiency of police training. It is enough that we should say that, in our experience, police officers, both senior and junior, and police constables were insufficiently trained both in the theory and the practice of dealing with civil disturbances. The reason was the previous history of tranquillity in Burma. It was we think a more marked defect in the handling of the riots almost everywhere that the police did not know *how* they should meet them rather than that in any particular respect they neglected their duty. A great many, if not most, of the cases in which the police of a particular place, either collectively or individually, failed to disperse crowds when they should have been dispersed or allowed them too long to continue rioting before being stopped were, we think, due to unfamiliarity with their duties and a lack of that confidence in themselves which is absolutely necessary to perform them efficiently. And we are particularly anxious to make it clear that this applies both to senior and junior officers. We have asked many District Superintendents and Deputy Superintendents of Police to tell us what their legal powers and their duties in the suppression of riots are and the vagueness of many of the replies has astonished us. We think, therefore, that the training of the police officer and of the

⁽¹⁾ See page 251 *et. seq.*

constable ought to pay more attention than it now does to making certain that they know the full extent of their responsibilities, rights and powers in a time of civil commotion. And we draw particular attention to Deputy Superintendents, Inspectors and Sub-Inspectors of Police. These form a most useful class of officers upon whom, in our experience, fell a very heavy responsibility in these riots. They command small bodies of men in places where the assistance and advice of senior officers is not available and they have to act in difficult situations upon their own initiative. They must be efficient and know their work. And, above all, they must have that confidence which alone can come from a complete understanding of the work they have to do.

Nor should this training, in our opinion, be confined to the police schools and training centres. It is, of course, necessary that a police officer's training should begin at some such establishment as that. But his practical training should go on, so long as he remains in the force. We shall comment later upon the absence in any of the towns of Burma outside Rangoon, Mandalay and Moulmein of any form of riot scheme or effective riot precautions and we shall point out that, in our opinion, this is a profound mistake. The question of the practical training for civil disturbance of the police officer, and particularly the junior officer class, is very much bound up with the question of the precautionary steps that ought to be taken. We think that in every district, and indeed in every town where a police station exists, there should be constant, but unobtrusive practical instructions given to junior officers and constables in how to handle riot situations. It could be so easily done—little tests every now and then, little schemes and demonstrations and so forth. They would, in our view, be of the utmost value in familiarizing all ranks of the police force with their duties in a disturbance. It should be, we think, a responsibility of the District Superintendent of Police to see that this sort of practical training goes on whenever and wherever possible in his district. We appreciate the pressure on the time of police officers and of constables, but we regard this as of importance.

Practical training.

This leads us to another point. Unfamiliarity with rioting and how to deal with it was by no means the monopoly of the police, for it was shared by civil officers from Deputy Commissioners downwards. We have met in one case with a most remarkable order issued by a Deputy Commissioner under section 144 of the Criminal Procedure Code and in another case with a similar order issued by an officer who had no power to do so. These questions are difficult and they confront both the police and the civil authorities at a time of emergency and confusion when, necessarily, they cannot devote to them any great degree of calm reflection and research. There ought, in our opinion, to be available to every officer as part of his ordinary office equipment something in the nature of a "Civil Disturbance Manual." We do not suggest that it ought to replace the civil disturbance sections of the Police Manual, which is a much more technical work. But we think that a simple "Civil Disturbance Manual" of the kind we have in mind might well be useful both to the police and civil officers. It might contain a summary of their powers, duties and rights in the respective spheres in which they act. It could draw attention to the sections of the various Acts to which they will, or may, require to have resort. It would be

A Civil Disturbance Manual.

able to suggest the various practical steps that have been found necessary and effective in the past in the several situations that arise and contain suggestions as to how difficulties may be avoided or dealt with. The use to which the various devices of the law can be put and when and how they can be used could be explained, as, for instance, the uses to which section 144 of the Criminal Procedure Code can be applied. And, indeed, precedents of such orders could, and should, be given. We think that there is a real need for such a Manual and that, in these riots, had such a thing existed, it would have been of real value to the junior civil and police officers in particular. We do not pretend in this paragraph to have done more than hint at what it should contain. It is, in our opinion, highly desirable that the junior police and civil officer should have available some such source to which, at a moment's notice, in an emergency he can turn to see what he can and ought to do. We hope that this suggestion will be adopted.

Provision of
summary of
powers.

And we have one further suggestion to make before we leave the question of police training. However, efficient the training of the constable is, he needs, we think, for his own satisfaction and his own protection something more. We are told that officers of the regular military forces when on duty in civil disturbances are provided with a small and convenient card or booklet⁽¹⁾ containing a summary of their rights and powers. We think it would be an excellent idea if something of the same kind were adopted for the policeman as well. He needs something which can tell him, at a glance, in his own language what he can do and what he can't do and that, if he does what it says, he need have no anxiety. Even if he knows it by heart, it would be a great stimulant to his self-confidence to have such a thing in his pocket.

5. EQUIPMENT OF CIVIL POLICE.

Ineffective
civil police.

We have referred frequently to what we have considered to be the wasteful ineffectiveness of the Rangoon City Police on the 28th and 29th of July and of the District Police in those places where, through lack of numbers and of equipment, they were unable to make their presence felt to stop rioting and to protect the public. It was most marked, of course, in Rangoon where it amounted almost to a policy of withdrawing the civil police from the scene. To spend years of time and no little money in training a civil police force and then, at the moment when they are needed most, to find that they are deficient in the equipment necessary to do their work appears to us, if we have rightly assumed the proper function of a civil police force, to be a waste of public time and money. We do not buy an expensive motor car and then refuse to supply it with the petrol to make it go.

At the beginning of the riots, the Rangoon City Police had ninety-six smooth bore muskets on charge and twenty sawn off shot guns⁽²⁾. The former are described by the Commissioner of Police in the words "This musket is clumsy, and the buck shot supplied is unusable owing to the cartridges jamming in the breech and to its lack of penetration."

⁽¹⁾ Indian Army Form D.908.

⁽²⁾ It is true that these were increased later—but not till the worst was over and even then there were not enough fully to equip the city police.

The Inspector-General of Police describes them thus:—"They are, however, cumbersome weapons being bored out '303 rifles with bolts and are not popular." We think ourselves that from many points of view they are unsuitable.

We think that earnest consideration ought to be given to these two questions, the one of maintaining a supply of weapons sufficient to equip the civil police throughout in a time of rioting and disorder and the other of the type of weapon to be used. As to the former, we cannot say too strongly that our general experience has been that the unarmed civil constable is an ineffective unit to deal in any way with the weaponed crowds which were to be met with everywhere during these disturbances and that this alone was responsible for no little loss of life, limb and property. And, whether he uses it or not, the moral effect, both subjectively and objectively, of a policeman with a firearm in his hands is tremendous. It was manifestly unfair, in many of the situations which arose during these riots, to expect a constable or constables to intervene in the defenceless state in which they were and from this circumstance alone has arisen, in our opinion, much misunderstanding of their loyalty and courage. We understand that the Commissioner of City Police has asked to be supplied with six hundred sawn off single barrel 12 bore shot guns, bayonet fitted. As a measure of immediate necessity and of ultimate economy we give to this suggestion our support. And in the districts, too, we think that the same principle of so equipping the civil police that they may become an effective force when they are needed most is necessary. It goes without saying that, in normal times, these weapons would be in reserve, for we should not by any means suggest that they should form part of the normal equipment of a constable in times of "peace." It has been suggested to us that there is a danger in placing weapons in the hands of policemen on a considerable scale lest they should be overwhelmed and lost or lest other misfortunes might befall. But we ourselves see no real danger in this which is in any way comparable to the danger to the public of an ineffective police force. Nor have we any evidence to show that, from experience, this danger is likely to arise.

Consideration must be given to re-equipping both the City and the District Police.

As to the weapon itself, we think a short shot gun, with, perhaps, a bayonet, is preferable to the musket. Its deterrent effect is just as great and the consequences of its effective use are, we think, more humane. We draw attention to the universal complaint we have received of the unpopularity of the *dahs* with which the police are furnished. We think that, when the opportunity arises, they should be replaced by a *dah* which is more useful and more popular. And a longer baton than that now in use ought, in our opinion, to be introduced.

The short shot gun, the *dah* and the baton.

6. POLICE PREPAREDNESS.

(1) Riot Schemes.

We have more than once in the course of this report had occasion to refer to the absence of any previous history of serious rioting in Burma, except the Coringhee riots of 1930. This immunity from disorders of the kind we have lately gone through has itself proved a source of weakness. In parts of India, we think we are right in saying,

The absence of any previous history of serious rioting in Burma.

communal riots are of frequent occurrence and proceed upon more or less defined lines, experience of which has enabled a technique to be developed for dealing with them. But Burma has hitherto been more fortunate than India in this respect. And the present riots have on that very account been the less easy to deal with. We think that this circumstance itself accounts to some extent for those deficiencies in strength, equipment and training of the police forces in Burma to which we have already drawn attention. In short the riots were not expected and were inadequately prepared for.

Riot schemes
either non-
existent or
inadequate.

One of the most noticeable deficiencies in the defence of the country was, in our opinion, the lack of local "schemes" or "plans" to meet trouble of this kind and, where such schemes did exist, their inadequacy. We think we are right in saying that in Rangoon, Mandalay and Moulmein only did "riot schemes" exist at the time the riots broke out. In Rangoon and Mandalay their respective schemes either broke down or were incapable of operation when put to the test and in Moulmein, though reported to have been "adequate", it was not we think put to any serious test. It has, however, been a very striking feature of our tour in the towns and villages in the Districts that we have found in every case either that some sort of plan of operation had hurriedly to be contrived a few hours before the rioting actually broke out or that no plan of any kind was made. But, with the possible exception of Yenangyaung⁽¹⁾ where the District Superintendent of Police had his plans already prepared, there was no previous and standing preparation to meet civil disorder in case it should break out. In all other places, it was left to depend upon the initiative and resource of whoever happened to be the local police officer. The result was that, where he did try to form a plan of campaign, it was a mere last moment improvisation. But in most cases there was no attempt at all. An instance of the former is to be found at Paungde⁽²⁾ and instances of the latter at Wakem⁽³⁾ and Taungdwingyi⁽⁴⁾. The result we feel sure was that rioting was not prevented in many cases where it might have been and in others was not so quickly and effectively suppressed as should have been the case.

This question is of course, to some extent bound up with the general question of the training of police and civil officers to deal with civil disturbance which we have already discussed in our report. It all proceeds from the same source, namely that the riots were not anticipated. We deal here in particular with riot schemes. But it should be remembered that the existence of a riot scheme under which the police propose to handle a town when disturbances break out is only one item of the preparation that is necessary. For all officers of the administration—and, indeed, all citizens also whose loyalty and public spirit can be relied upon—must know what are their powers and rights and what duties are expected of them.

⁽¹⁾ Here, through no fault of the District Superintendent of Police nor of any other officer, the preparations to some extent miscarried because the District Superintendent of Police was not himself there to superintend them.

⁽²⁾ Page 88.

⁽³⁾ Page 45.

⁽⁴⁾ Page 98.

As we have more than once before pointed out the most striking, and, so far as it was avoidable, shocking, feature of the handling of the situation in Rangoon itself, was the almost complete abandonment on the 28th and 29th of July of the congested side streets and outlying settlements to the mercy of the mobs, while the central parts of the city and the main streets alone were held. We do not, however, doubt that this in the main was due to lack of civil and military police and of suitable special police in sufficient numbers to give more adequate protection to citizens where and when they most needed it. To some extent, therefore it was in existing conditions inevitable. But we do think that to some extent it might have been avoided. And, in our opinion, the lack of an adequate riot scheme, prepared with imagination, was one of the things which contributed to this state of affairs. It is acknowledged that the Rangoon Riot Scheme ⁽¹⁾ did prove wholly inadequate to meet, or indeed to give any material assistance in meeting, the situation as it developed. We ourselves have studied it and we think that it suffered from one great defect which is that it concentrated far too much upon the actual strategy of meeting an imaginary situation, movements of officers and men, and so forth, instead of providing a thought-out plan for *mobilizing with speed and thoroughness* all the available forces on the side of law and order so that they might be used as any immediate situation might demand. We desire to explain that a little further. The Rangoon Riot Scheme seems to have taken as its basis the Coringhee Riots of 1930 and Part II of it is even entitled "*Scheme to deal with a situation similar to the 1930 rioting.*" That, of course, is natural, because, as we have pointed out, those riots were virtually the only ones from which experience could be drawn. From that starting point, it appears to us to concentrate far too much upon what particular people were to do and how they were to do it in a set of imaginary circumstances that were supposed to arise. It is not, in our view, safe to assume that, in so capricious a matter as rioting, events will necessarily, or even probably, conform to any particular pattern. And, therefore, as it seems to us, by far the most satisfactory way to approach this matter is to divide any riot preparations or riot scheme into two parts—Part I providing all the general machinery for mobilizing the forces of law and order smoothly and quickly when and where they are wanted and Part II providing the more technical details of the stations and so forth to be assumed by particular officers, so far as it does not preclude the general elasticity and adaptability at which we are aiming.

Failure of
the Rangoon
riot scheme.

Impossibility
of foreseeing
the exact
situation
which will
arise.

This too we think we ought to explain a little further. What we think should be aimed at by Part I of such a scheme as we suggest is to be in a position to have available and immediately operative all such organization and material as *may in any development of the situation* become requisite. This involves careful preparation. And Part I of our suggested scheme amounts rather to information as to a series of preparatory steps already taken rather than to instructions as to further steps to be taken beyond pressing the appropriate button to bring them into operation. It is not our function, nor are we competent, to prepare any such scheme in detail. But we venture to give an illustration of what we mean. When a civil disturbance breaks out a

Preliminary
organization
necessary.

(1) Actually its proper title is "Instructions to be followed on the outbreak of rioting in Rangoon."

number of things are, *or may become*, necessary—an adequate number of available magistrates, an adequate number of special police, an adequate communication system by telephone and other means between the different units of the composite force, adequate liaison, adequate transport of all kinds, adequate casualty accommodation, an adequate publicity service to combat the spread of rumour ⁽¹⁾ and to spread the truth, an adequate peace organization in whatever direction it may be required and so forth. All these, and no doubt other matters, require in reality separate schemes in themselves. They comprise together a “mobilization scheme” and that in our view, is the principle upon which any comprehensive and useful riot scheme ought primarily to be based. All that ought to remain would be a series of “buttons to be pressed” for the whole organization to come to life. We know very well that it is easier to write this than, perhaps, to give effect to it in practice. But it is the principle of elasticity that we wish to emphasise, because it was, we think, in this respect that the Rangoon Scheme broke down. To take two examples only, it broke down in the matter of Magistrates and it broke down in the matter of special police ⁽²⁾ because no such preparation existed.

Technical
dispositions
also to be
provided for.

We do not, in our anxiety to see attention given to the preparatory organization, wish to suggest that everything else should be neglected. There are many technical police and military matters, such as those which are contained in the present riot scheme, which ought, of course, to be thought out and provided for—but always, we think, upon as flexible a basis as possible—the commands and stations to be taken by various officers, systems of patrolling which may be useful, the guarding of special places, the segregation of particular areas and so forth. These are, we do not doubt, necessary but they are, in our view, subordinate, and must be adapted, both to the scheme or schemes of general preparation previously made and to the principle that no cut and dried situation can be safely foreseen.

Isolating
areas.
A suggestion.

There is one particular suggestion we have received which has interested us. We dare say it is not a new one. Two of the great difficulties in dealing with the situation in Rangoon, particularly with the inadequate forces available, were the vast area to be covered and the continual shifting of the scene of activity from one place to another. Excitement, rumour and in some cases, panic very quickly spread from area to area and from community to community. When a system of barricading off and isolating certain areas was tried at a somewhat late stage, it proved, we are told, very effective. It restricted movement and inspired confidence and a feeling of security in the inhabitants of the barricaded areas. If it had been done as a matter of course immediately the riots started, we think that a great deal of trouble might have been avoided. This is a system which, in our view, has much to commend it. It might be more seriously considered and perhaps find its place in a general riot scheme for Rangoon.

Riot schemes
in the
Districts.

We do not propose to discuss the Mandalay Alarm Scheme in detail. It too broke down, we suspect, for much the same reasons. But we do desire most particularly to say that in our view *every* town of any size

⁽¹⁾ A highly important feature of which there was a lack during the recent riots.

⁽²⁾ We deal with this question at page 251 *et seq.*

ought to have its 'riot scheme', if possible upon some such lines as we suggest. And, indeed, we think that the same principle should be applied to the smaller towns and even to major villages. We do not suggest for a moment that anything so elaborate as a scheme adequate to Rangoon or Mandalay would be suitable or possible in (say) a town of the size of Taungdwingyi. But that is no reason why some comparatively simple organization should not exist of the kind and on the lines we have endeavoured to describe. And it is not enough that such schemes should exist. They should, unobtrusively but regularly, be practiced from time to time and this should we think form as much part of the regular routine training of the police force as manoeuvres form part of the training of the army, though, of course, in a less conspicuous way.

We think that the matters to which we have drawn attention in this section of our report might well without delay engage the attention of those whom they may concern and that, as soon as opportunity offers, consideration should be given to their relevance to all the towns of the country⁽¹⁾

(2) SPECIAL POLICE.

(a) *Rangoon.*

The use of special police officers in a time of emergency is contemplated and made possible by the Rangoon Police Act ⁽²⁾ which vests in the Commissioner of City Police the right to enrol special police officers in an emergency for any particular area. It is, in our opinion, a power which should be of the greatest value, if used judiciously and with foresight. The power to enlist special police officers is part of the ordinary equipment of the forces of law and order with which the Commissioner of Police is personally invested and is obviously meant to be used. Inasmuch as we are invited by our terms of reference to comment upon "police action" in general, we have thought it right to inquire whether the best use was made in these riots of this valuable addition to the civil power. Frankly, it was not.

The Rangoon Police Act. Powers to enlist special police.

We conceive—and our view is endorsed by the Commissioner of City Police and other experienced officers who have given evidence before us—that little advantage can be taken of this provision if it is to be left until the emergency has arisen to consider how special police officers are to be enrolled and where to look for them. We are told that in the Coringhee riots of 1930 special police officers were enrolled from among assistants employed by European firms and that in the Chinese riots they were also used. But beyond a vague idea that something of the same sort might be done again when occasion arose, no serious preparations appear to have been made for the possibility of having resort to Section 27 of the Rangoon Police Act again. This strikes us as wrong. It will be seen from the Act that a special police officer when enrolled has all the powers and duties of a regular police officer. To be of any real use as a police officer when the emergency

The organization must be prepared beforehand.

⁽¹⁾ We understand that new schemes for Rangoon and Mandalay are already in course of preparation. But we want to see this extended to other towns as well as soon as possible.

⁽²⁾ Sections 27, 28 and 29.

arises, not only must a man be at any rate of decent character and physique and of some education and intelligence, but he ought to have received some instruction—elementary no doubt—in what his duties and powers are and what exactly he has to do as soon as an emergency breaks out. On the other hand, the Commissioner of Police ought to know where he can put his hand at short notice on a supply of men such as these. All this can be achieved only by preparing, and having in readiness for instant operation, some simple scheme for the enlistment of special police when they are required which the Commissioner can put into force by pressing a button and under which the right type of man is at once available. The use of special police officers in times of disturbance is obvious. They can guard fixed points, such as power stations, which otherwise would require to be manned by civil or military police. They can relieve the ordinary police of many of the more simple routine duties that have to go on. They can provide escorts. These are a few only of the things they can do. And by so doing an equivalent number of civil police can be set free to attend to the situation that has arisen. Provided that the civil constables can themselves be effectively used—it all depends, of course, upon that—there is a corresponding increase of man power. We agree that it is no use relieving an ordinary policeman by a special policeman if the ordinary policeman when so relieved cannot himself be effectively used. We have already expressed the view that there was a singular waste of man power in the present riots in Rangoon through the civil police being insufficiently equipped to take the part in them they ought to have taken. But, given that an ordinary constable can be made an effective unit in a serious riot situation, which at present he is not, then obviously he ought, if possible, to be set free to help to deal actively with the emergency and to protect those who are in danger.

How special
police were
in fact en-
listed in
Rangoon.

We will relate what we understand to have actually happened in Rangoon in these riots. At an early stage of the riots the Commissioner of City Police was asked by the Premier, at a meeting we think, to sign between two and three hundred blank enlistment certificates, or 'khanzas' and to send them at once to the Premier's Office with a corresponding number of special police armlets. This was done and they were distributed among certain persons. We are told these men were largely members of the Dama Tat, a semi-political organization. They were then let loose upon the streets without being put under the control of, or even in touch with, the Commissioner of Police, any Divisional Superintendent or any other responsible police officer. They were, in effect, under the control of, and responsible to, no one. The Commissioner of City Police had as it seems to us, completely surrendered his statutory functions in this respect by signing some two hundred and eighty blank cheques. The inevitable result was that by the 1st of August, so far from these special police being of any use, they were found themselves, or some of them, to be a menace to the peace of the city. We have authenticated instances of some of them demanding money from citizens, demanding free rationing from teashops, going armed with *dahs* and other weapons, inciting Burmans to attack Indians and, in effect, behaving in a manner scarcely distinguishable from that of the rioters themselves. They had ultimately to be deprived of their badges of office and sent home on the night of the 1st of August.

We regard this result as the logical consequence of the manner in which they were enrolled. It was a procedure of which we cannot approve and it is, in our view, idle to contend that it was a proper attempt to take advantage of section 27 of the Rangoon Police Act. The Commissioner of Police never should have been asked to surrender his duty under the Act by signing blank enlistment forms in gross and, being asked, he should most certainly, in our view, have declined to do so. His function, in this respect, is a responsible one. There are ways and ways of doing these things and we scarcely doubt that, had he pointed out that, in the excitement of the moment, the terms of section 27 of the Rangoon Police Act had been overlooked and that he was responsible for the enlistment and control of special police, the point would readily have been appreciated. The young men actually enrolled were, we hear on all sides, in the main, of an undesirable class having regard to their responsible duties. They were largely young men of the "spareman" type, quite unsuited to the work. Moreover, it is in principle most indiscreet, if not dangerous, for obvious reasons, that special police, whatever their other qualifications or disqualifications may be, should be drawn from the members of any particular political or semi-political organization⁽¹⁾. This course, is a practice capable of development into a political "storm troops" system, now not unknown in certain countries of the continent of Europe. And there are signs⁽²⁾ that the same kind of thing may become popular in Burma.

The proper procedure in enrolling these men.

We have felt bound to make these comments both because, in itself, the procedure was very wrong and because it emphasizes the need, if any real advantage is to be taken of section 27 of the Rangoon Police Act, for a prepared plan upon the lines we have indicated in our observations under the heading of 'riot schemes'⁽³⁾. We regret that one was not in existence and we are glad to learn that a start is to be made with preparing one. It should be so easy and simple to maintain lists of suitable volunteers ready to serve, to give them some quite elementary training—little more than an occasional lecture would be necessary—to maintain the simple equipment necessary and to ensure that, when an emergency arises and they are wanted, they are accessible and know where to go to and to whom to report. In preparing such a scheme certain simple principles ought to be borne in mind. First, the men must themselves be decent and responsible citizens. Secondly, they should possess some degree of decent education so that they can understand their responsibilities. Thirdly they should be chosen from all communities—Burman, Indian, European, Chinese, etc., without distinction. And, fourthly, they must be placed under the control of the Commissioner of City Police who will officer and use them as he thinks proper. A force of even three or four hundred such men should be of appreciable assistance in an emergency to the forces of law and order in Rangoon, assuming of course that the regular constables they set free for other duties can be more effectively employed. We should be sorry to think that a sufficient number of young men such as these were

The organization necessary.

(1) It is for the same reasons that such organizations as the local fire brigades in the Districts, the Youth Improvement Societies and the other bodies of young men which in many, if not in most, cases are semi-political in character, are not only a useless, but a dangerous element in times of disturbance.

(2) For Example the "Galon Tat".

(3) See page 247.

not available in a large city like Rangoon, in which very little in the way of public service is asked of its residents. But this cannot be done without a simple preliminary organization, which we hope will not be neglected.

The Act may have to be amended.

Some doubt has been expressed whether this can be done under section 27 of the Rangoon Police Act as it now stands⁽¹⁾. It is suggested that the Commissioner of Police under the Act as at present framed has no power to entrol special constables before the particular emergency has arisen. The Act is, we admit, a little ambiguous in this respect, though we are not ourselves sure that upon its true construction section 27 of the Act may not suffice as it stands. If necessary, the requisite amendment could easily be made.

(b) *The Districts.*

In a number of places in the Districts good use was made of the provisions of section 17 of the Police Act 1861. But on the whole the same comment that we have made in other respects applies to this also that the preliminary organization did not exist ready to be brought into operation at a moment's notice. In the same way, therefore, as in Rangoon, an organization should exist in, at least, all the major towns of the Districts⁽²⁾. This again is one of those matters without which any comprehensive riot scheme is not complete. We think that, when time permits, some uniform plan should be adopted and put into operation in all the major towns of the Districts, and perhaps in lesser places also, to see that, if and when required, a suitable force of special police is available to be embodied at once, knows its duties and is sufficiently equipped. This, in our view, is little more than a matter of efficient organization.

7. CHARGES AGAINST THE POLICE.

A tribute to the police force as a whole.

In a report such as this it is inevitable that we should have to dwell more frequently upon those incidents and events, and to draw attention to those aspects, of the riots either in which the police failed to do that which was expected of them or in which what they did do has been a matter of controversy before us. In the midst, therefore, of those matters in which we have been bound, or may hereafter be compelled, to criticise the police, it has been possible to lose sight of their behaviour as a whole. Upon a fair consideration of the deficiencies of the civil police in strength, equipment and training, the deficiency of the military police in strength and the manifold difficulties with which both had to contend, it is right that we should place on record our opinion that the police, as a whole, behaved loyally and well. If they failed—as we think in many places they did fail—to give that measure

⁽¹⁾ Section 27, Rangoon Police Act :—

“The Commissioner of Police may of his own authority appoint special police officers to assist the police-force on any temporary emergency.”

⁽²⁾ A recommendation to this effect has already been made by the Inspector-General of Police and we endorse it.

of protection to the victims of the riots which, as British Subjects in Burma they were entitled to expect, their failure was in the main less, we think, the fault of the men themselves, than of their lack of strength, equipment and training and of the economy of support they have received. We do not mean to say that there were not frequent individual failures, for we think there were. We speak, however, of the forces of civil and military police as a whole.

In the anxiety which has been apparent on all hands to discredit and to attack the police, it would be easy to overlook the difficulties of the task with which they were faced. They lacked numbers. They were confronted, as they always are confronted, with the barrier of distrust and prejudice standing between them and the public. They lacked both training and, so far as the civil police were concerned, adequate equipment for dealing with disturbance. And, due to their lack of strength, both throughout the critical period and since, they were worked for intolerably long hours. In the criticisms we have made and in those we are about to make relating to the police in detail, we desire it to be understood that, so far as the force as a whole is concerned, we think they acted loyally and well. That too is the opinion, without exception, of their officers whom we have had occasion to examine. And it must always be remembered that for the Burman constable and officer in particular the burden is extremely heavy. For, he is called upon to take measures against those of his own race and his own religion which must inevitably expose him to reproach, and sometimes to reprisal, at the hands of his fellow-men. We desire, too, to say that we have no reason to suppose that on the whole the Burman, less than the Indian, policeman did his duty well.

The difficulties they had to face.

The first charge which the police, both civil and military, have had to face, has been that they have been guilty of "excess," by which is primarily meant that they had resort to their firearms too often and too much. This charge was, of course, inevitable and, as the speeches in the House of Representatives to which we have referred ⁽¹⁾ will show, it has been put forward in many cases with no attempt to ascertain the truth. We have examined carefully all those cases of shooting by the civil and military police in or within reach of the places we have been to ⁽²⁾. In all we have thoroughly investigated twenty-seven such cases which will be found set out in full in the previous pages of this report. We have treated these cases judicially and we are glad to be able to record that in all but three we have been completely satisfied, not only that in law the firing was justified but also that in fact it was both necessary and moderate. In three such cases ⁽³⁾ we have not been so satisfied. In one of these, the Pakokku case, no serious results ensued. In another, the Kabo case, the fault more properly in our view lies with the order of a civil officer under section 144 of the Criminal Procedure Code than with the policeman himself who

The charge of excessive shooting.

⁽¹⁾ See pages 128, 170, 172 and 179.

⁽²⁾ But see page 317.

⁽³⁾ (1) The Pakokku shooting case, page 136.

(2) The Kabo shooting case, page 154.

(3) The Thayeze shooting case, page 173.

carried it out. We venture to assert that the result of this close investigation of ours is a tribute to the moderation of the police and military police during these riots and an effective answer to the immoderate charges made against them. No one more than ourselves deplores the loss of life and injury which has occurred, even to misguided men themselves engaged in rioting. But we feel it right to say that a true criticism of the action of the police during these disturbances would be rather that they have used "force" less than their duty warranted than that they exceeded what was lawful, just and right. In more than one passage in our report have we pointed out the ultimate humanity in proper cases of early firmness by the police. Appalling as it may be to have to take one life, it is better so than that by weakness many should suffer death and injury. It has been the uniform experience of these disturbances that wherever a shot or shots were fired the rioting collapsed. That has been one of the most remarkable lessons of our enquiry and, on humanitarian grounds alone, it should be learnt.

The results of our enquiry, with the possible exception of the three cases to which we have drawn attention, disprove completely the charges of excessive force used by the police. As regards those three cases, we desire to say that they are not necessarily concluded by our enquiry and to guard ourselves from saying more than that we are not satisfied with them upon the evidence which we have heard.

Some of the victims of the shots which the police were compelled to fire have undoubtedly been innocent, or comparatively innocent, spectators of the riots. To these, and to the relatives of any of them who suffered death and serious injury, we offer our sympathy. But we commend to them and to the law abiding public of Burma the undoubted truth that these men and women are the victims, not of the policemen whose guns or rifles they were shot by, but of the wicked men by whose encouragement and help these riots began and were prolonged.

Other
charges
against the
police.

The remaining charges made against the police both as regards Rangoon and the Districts fall under a number of clearly defined heads. It has to be remembered that the form which the disturbances took was, in the main, an attack by sections of the Burman population upon Indians and in particular upon Muslims. Though it is quite true that the Muslims of the country were in most places the particular objects of attack, it is a mistake to suppose that they were the only objects. In many places the attacks which took place upon the Indian population displayed very little discrimination between Muslims and other Indians. Indeed, as we have already pointed out in the interim volume of this report, the mainspring of the riots lay far more in the general anti-Indian feeling which had been created in the country than in the controversy between Buddhists and Muslims aroused by Mung Shwe Hpi's book. The disturbance in short was communal rather than religious. And the effect has been before us that the Indian population as a whole have been in the position of complainants. We have to bear in mind

that the evidence of the Indian victims of the riots has been presented to us from the particular point of view of those who suffered an unprovoked attack and are in terror lest they may be attacked again⁽¹⁾. It is easy to imagine the feelings of a man who has seen all his property destroyed or burnt and, possibly, his relations killed or maimed. And we have had to bear in mind, apart altogether from trying to distinguish between what is true and what is not true, that some of the evidence adduced before us must necessarily have been coloured by the point of view from which it is presented.

The charges made against the police have been more or less uniform wherever we have been. There is first the general charge that, both in Rangoon and in the Districts, the Indian population has not received that measure of protection to which, as British Subjects within the British Empire, it was entitled. That is the main and general charge brought against the police to which most other charges are subsidiary. Next, it is said that in almost every place instances have occurred of individual junior police officers and constables, or groups of them, standing by while Indian shops and houses were looted and destroyed. And in some cases this charge goes further and it is said that looting and even murder have been deliberately encouraged, and that looting has been taken part in, by them. And, thirdly, we have had presented to us a volume of evidence to show that from Indians both in Rangoon and in the Districts money has been extorted by the police as the price of the protection which, more often than not, they did not receive.

The three main charges.

Lack of protection.

Police indifference.

Police corruption.

Those are the three main heads upon which the Indian case against the police has been presented to us. As far as the first of these is concerned, it is a general charge of lack of protection and it is a charge levelled, in the first place not so much against the individual police officer as against the system in which the police were not sufficiently strong to protect a large minority. This differs from the other two because they relate to the individuals, whereas the general charge that the Indian community was at the mercy of the Burmese community relates to the system as a whole. We have had first to form our opinion of the justice of this charge upon the general view which we have been able to obtain in the course of our inquiry in Rangoon and throughout the Districts rather than from the consideration of the conduct of any particular police officer or police officers. In a sense the facts speak for themselves. It is incontestable that the attack throughout the country was directed against the Indian community or part of it. In every place it was the same. It cannot be denied that the Indians suffered heavily in injury, loss of life and loss of property. And we think that it is true that the event showed that the police on the whole were quite unable to prevent it until too late. In this respect we do think that the million or more of Indian and Zerbadi inhabitants of Burma have established before us a case that the police

The first charge. Lack of protection.

⁽¹⁾ If newspaper reports are to be believed, then, since our enquiries were made, attacks against Indians have continued particularly in connection with the picketing

force as a whole did fail adequately to protect them⁽¹⁾. In our opinion neither in the Districts nor in Rangoon did the Indian population of Burma ⁽²⁾ receive that guarantee of life and property which as citizens and as British Subjects of Burma they were, and are, entitled to expect. We appreciate, in saying this, that the history of Burma has been one of racial tolerance and on the whole of freedom from communal conflict. We understand also that in a sudden and unexpected outbreak of racial passion it may be impossible for any police force, however strong and active, to intervene so quickly and so effectively as to prevent all injury, loss or damage. But, bearing all these considerations in mind, we still feel that in view of all the portents, there was insufficient security for the Indian population of the country. And the riots have proved it. So long as India and Burma remain within the

(¹) We give without comment two letters which have come into our possession:—

" 7 Edward Street

15th October, 1938.

FROM

A. P. Sinha, Esq.,
Honorary Secretary,

To

The Commissioner of Police,
Rangoon.

SIR,

K. Abdulla Haji owned three shops in Kemmendine, 12, 13 and 15 Keitan Street. The two latter ones have been occupied by Burmans during the riots. The shop No. 12 Keitan Street is unoccupied at present and so K. Abdulla would like to return to it and restart his business.

Therefore, will you kindly let me know if it is safe for K. Abdulla Haji now to return to Kemmendine?

I have the honour to be,

SIR,

Your most obedient servant,

Sd. P. A. SINHA,

To

A. P. Sinha, Esq.,
Honorary Secretary,
Central Relief Committee,
7, Edward Street,
Rangoon.

Dated, 19th October, 1938.

SIR,

With reference to your letter of 15th October, I am unable to give any guarantee that any individual is safe anywhere.

I have the honour to be,

SIR,

Your most obedient servant,

Sd. G. E. BANWELL,

Deputy Commissioner of Police"

These speak for themselves.

(²) The same applies to some extent on the morning of the 28th July to the Burmans in the centre of Rangoon.

British Empire, so long will Burmans and Indians in Burma be British Subjects living side by side. And so long both Burmans and Indians and any other minority community are entitled to expect adequate security of life, limb and property. We think that the Indian British Subjects of Burma are entitled to expect in general a more adequate measure of protection than the history of these riots has shown they have.

From the very nature of our inquiry we have found the particular charges more difficult to deal with. Our Committee has sat for five months, during which we have examined over eleven hundred witnesses and have travelled close upon fifteen hundred miles. To have examined judicially all the cases of individual failures among the police to give protection to individual victims of the riots would have protracted our inquiry almost indefinitely, if indeed the task were possible at all. We have had, therefore, to content ourselves with trying to obtain a general view of the charges made. In Rangoon, as we have already said ⁽¹⁾, we have been struck by the virtual abandonment of the congested side streets of the city and of the outlying settlements of Rangoon on the 28th and 29th of July to the mercy of the mobs, while the main streets alone were held by military police and soldiers. This itself was not the fault of the individual policeman but of the lack of strength in numbers and in equipment, which suffered a civil police force to be wholly ineffective in a time of riots. The result was that looting, assault and murder went on. In the Districts the same criticism applies. The civil police in a district Police Station are equipped with muskets in the proportion of fifty per cent of their strength. Bearing in mind how few, in particular places, the civil and military police were, it was, in the main, impossible for the civil police to control the towns and villages they were charged to protect. The civil police were only half armed and in the face of hostile crowds with weapons they were largely ineffective.

The second charge. Police indifference.

A great number of the complaints we have received from Indian residents have been cases in which they have told us that one, two, three or four unarmed policemen have stood by and watched their premises being destroyed or their houses being attacked by mobs of Burmans. That many of these cases did take place we believe. But we are not prepared so readily to believe that they all, or even the majority, were cases in which either from prejudice or cowardice the policemen in question refused to do their duty. They were, we think, in the main, cases in which the policeman or policemen in question were unable to do anything. And the same applies to nearly all those cases of which we have heard in which appeals were made for help to police stations and refused. We have tried to be fair and we feel that in many, if not in most, of the cases the fault lay less with the policeman than with those who had to equip and train him. But there may also have been individual cases in which either help may have been deliberately withheld, or in which the officers in question had not the initiative to give it. Of the latter kind we think undoubtedly there were more cases than there should have been. And there have been cases, too, in which more substantial bodies of police and armed police are said to have declined to intervene to protect the lives and property

⁽¹⁾ See pages 37 and 38.

of Indians. The more serious of these cases which we have investigated ourselves are contained in our narratives of what took place. The volume of these charges has been very great and, making all allowances for the police upon the grounds to which we have drawn attention, we think there must be some residue of cases in which there is some truth in the allegations made. We have, from the records of our evidence, taken the trouble to extract the cases of this kind which we have come across ⁽¹⁾. And we think that, in justice both to the police officers concerned and to the public, they, or at least the more serious of them, ought to be investigated departmentally wherever possible. As we have pointed out it has been a practical impossibility for us to do so.

The third
charge.
Police
corruption.

The other class of case which we have met has been that in which police officers have been charged with the extortion of money from Indians as the price of the protection of their property. These cases too have been many and to some of them we have drawn attention in Part II of our report. They also have been far too numerous for us to investigate in detail. We know well enough the prejudice that exists against the police and the light-hearted way in which charges of this kind in this country are commonly made. But it is idle to shut our eyes to the fact that there is corruption of this kind within the civil police force ⁽²⁾. We bear in mind also that there was little or no reason why these charges should have been made before us by individual Indian victims unless they had some foundation. The witnesses who came before us were voluntary witnesses and, in this respect, had little or nothing to gain by telling us a story which was not true. They neither hoped, nor asked, to get their money back. Indeed, in some cases only on pressure were these facts divulged. In this case too we have prepared a Schedule ⁽³⁾ of the specific cases to which our attention has been drawn. And we think that, for the credit of the police force, and for the satisfaction of the Indian victims of the riots, these cases, or some of them at any rate, ought to be investigated. They are too numerous for us to shut our eyes to and to say that they are of necessity pure invention. A number of them must be true and we think, as we have said, for the credit of the force an investigation of some kind ought to be made.

8. THE CRIMINAL INVESTIGATION DEPARTMENT.

The failure
in Rangoon.

We have already made a number of harsh comments upon what we regard as the failure of this Department in Rangoon to appreciate the seriousness of the situation which was developing from the 19th of July onwards ⁽⁴⁾. And we think that that failure was itself due to the further failure to appreciate how highly charged the atmosphere in the country, from political and economic causes, had become and to what an extent it had been, and was daily being, affected by political and press propaganda. We think that the root cause of the ineffective part played by the Criminal Investigation Department in Rangoon was, not merely that it was inefficient in itself, but that, however efficient it might intrinsically

⁽¹⁾ See Appendix XIII.

⁽²⁾ We are assured by men whose word cannot be doubted that it is even a regular practice to pay to the Police Station Officer or Station Writer a sum of money to facilitate the early granting of bail.

⁽³⁾ See Appendix XV.

⁽⁴⁾ See page 15 *et seq.*

have been, it was out of touch both with the Home Department, of the Government and with the Commissioner of City Police and the Inspector-General of Police. Not otherwise do we think that the situation of the 26th of July could have arisen when the meeting on the Shwe Dagon Padoga took place with a complete absence of police preparation. We recommend that steps ought to be taken to overhaul this Department so as to bring it, and particularly its political branch, more into line with the necessities of the period of political and industrial confusion through which the country is passing. And above all we think that it should be so organized that its Head and its responsible officers are in the closest and most intimate contact with the Government and with the Chiefs of the security services of the country. We do not see how otherwise it can serve its purpose. The channels of official correspondence and mere routine are not sufficient for this purpose. Personal contact is necessary and, as far as we can see, was lacking when this emergency arose. If there exists a mistrust by the City Police of the Criminal Investigation Department, as we are told in some measure there does, then no stone should be left unturned to remove it, for nothing could be more wasteful of the energies of each.

We have been no less struck in the Districts than in Rangoon by the ineffective part played by this Department before and after the riots broke out. We are aware that there exists a system of weekly letters addressed by the Criminal Investigation Department to responsible district officers and that abstracts are also sent of the contents of the Press. These are, perhaps, satisfactory as a matter of routine. But we have been just as unfavourably impressed in the Districts as we have been in Rangoon by the silence of the Department in the week preceding the 26th of July. It is true to say that no warning was sent out to the Districts that anything unusual had happened or might happen until the 27th of July and that officers who were not fortunate enough to possess a wireless set and to have heard from London news of what had happened in Rangoon on the 26th of July, were unaware that anything was wrong. We think they should have been informed long before the 26th that in Rangoon a situation was being exploited by the Press which might be dangerous. It is, of course, impossible for us to say what course events would have taken if District Officers had had more timely warning. But one thing is certain. If they had had a hint of possible trouble, we should not have heard of the many cases we have come across of responsible men who were outside their stations when the riots broke out. It is true they hurried back at once and, as far as we can tell, there was no case in which disastrous consequences ensued. But it does not follow that, if it should happen again, there might not be. We know how easy it is to be wise after the event. But we do not think that either the Districts or Rangoon were well served in this respect.

If we have rightly understood what we have been told there exists outside Rangoon no specialized branch of police equivalent to the Criminal Investigation Department⁽¹⁾. We doubt the efficiency of this.

(1) This is not strictly accurate, for, we believe that there does exist in Akab a branch of the Department to watch for terrorists from Bengal. And, since the riots, we understand that a temporary intelligence branch has been established at Mandalay.

We think that it would be well at least to explore the wisdom of placing at Mandalay a branch of the Criminal Investigation Department to deal with Upper Burma. Mandalay is not only the second largest place in Burma but, in some respects, it is still its religious centre. It seems to us that to do so might be wise unless considerations of expense forbid it. And we should go further. We think that the possibility should be considered of attaching to all District Police Headquarters a man or men who have some special training in the arts of Criminal Investigation upon its political and industrial side. This work is specialized work requiring special skill and knowledge which is outside the scope of the duties of an ordinary police officer. And we think that much useful information could be obtained by some such method as this, whereby competent officers, spread throughout the country, might watch events and movements and pool their knowledge through a central staff. These are to a large extent more technical matters than we should care to deal with. And we, therefore, content ourselves with saying that, in our view, the intelligence system of the country did not rise to the occasion of these riots and needs attention. We feel justified in adding that many, though not all, of the District Superintendents of Police whose views we have had the benefit of hearing endorse the sense of what we have said in this respect.

•

CHAPTER XIX.

Civil Action and Allied Matters

1. IN GENERAL.

We desire to begin this chapter with a few observations of a general character upon the position and the difficulties of the permanent Civil Service. In a country such as Burma, where democratic institutions of all kinds are in their infancy, it is impossible to deny, upon geographical grounds alone, that the permanent civil servant, whether he is a Commissioner or a Township Officer, is, and must for long remain, the backbone of the administration. Not only do these Civil Servants serve as the permanent machinery through which to give effect to the entire executive authority which is vested in the Governor on His Majesty's behalf and the policy of which, in most respects, he exercises with the aid and advice of his Ministers, but in practice they are the only officers who can, by their knowledge, experience, and personal influence, know and effectively control and guide the people within their charge. And if there is one thing more than another which is, and must always be, essential to the good government, peace and prosperity of the country, it is that the permanent Civil Service should deserve and enjoy the confidence and the trust, not only of those they govern—as, on the whole, we think they do—but of those also to whom they are responsible. It is possible that the constitutional theory of the Government of Burma is not as widely understood as it should be. Subject to the provisions of the Government of Burma Act, the executive authority of Burma is exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him ⁽¹⁾, in which functions, except so far as he is by the Act required to exercise any of them in his discretion, he receives the aid and advice of his Council of Ministers ⁽²⁾. The permanent Civil Service is, therefore, the permanent machinery by which in strict constitutional theory the Crown still exercises executive authority in Burma. That is not always realized as fully as it ought to be.

General
observations.

It is, as we have said, in our opinion an essential of good government that the permanent civil service should enjoy the confidence of those to whom it is responsible. That it does enjoy the confidence of the Governor goes without saying. But it must enjoy too the confidence of those whose advice in practice the Governor accepts—his Ministers. For, if this is withheld or withdrawn, the senior civil servant first, and the junior civil servants after him, will lose their interest, and their confidence both in themselves and in those from whom they expect, and must receive, support.

We have drawn attention to these principles because we have observed a tendency towards both these consequences in many of the executive civil officers of Burma, which is dangerous to the future of the country. And we have observed a disposition in them to suppose that they have not met on all occasions, and may not in the future meet, with the support to which they are entitled. We must not be supposed to mean that we have met in any shape or form with lack of loyalty in

⁽¹⁾ Section 4 (1).

⁽²⁾ Section 5.

any officer. We mean no more than that there is undoubtedly abroad a spirit of lack of confidence, which, while no more than discouraging to the senior and hardened officer, may become paralyzing to the junior, and less experienced, men. If it did, it would be very serious indeed. And we desire in honesty to say that, though these anxieties in many cases are, we think, the creation of overwork and strain, there is, in our opinion, some justification for the phenomena we have observed. We think that, on the whole, there has been a tendency to trust the judgment of the senior District Civil Officers too little to know what is best in the Divisions or the Districts they control and to interfere with them too much. We do not desire to give specific cases in which this exists. But such there are. But in fairness it must be said that, in some cases, we have found that even senior District officers have been too ready to surrender their own discretion and to rely too much upon those whose disapproval they anticipate. Again we may be in danger of being misunderstood. We do not mean that it is in any way improper or in the least unconstitutional for Government to issue, or for officers to ask for, such instructions as to policy or otherwise as are proper to be given. It would be absurd for us to suggest anything of the sort. What we, however, think is that the fullest measure of confidence ought to be reposed in the judgment of the men of the civil service as a whole and that not lightly ought their judgment and their advice to be overborne. Where it has to be, as sometimes must occur, we think it always better that an officer whose advice in vital matters cannot be taken should be, where possible, replaced. We think, on the whole, that there is some ground upon which it can be said that too lightly and too often has the advice of senior officers on the spot been not asked for or ignored and too often, also, have such officers preferred, in handling situations, to guard themselves by references to Rangoon. If the executive officers of Burma are to serve the country as they should, they must be trusted in the measure they deserve.

A tribute to
civil officers
as a whole.

We desire to say before going further that, in our opinion, the history of the riots and of the disturbances which have followed them reflects great credit upon the civil officers of the country as a whole and in particular upon the junior civil officers of the Subdivisional Officer type. Theirs, we think, was the hardest task of all and even with the assistance of our tour among them we have been able only imperfectly to understand the difficulties they have had to face. And to the Burman junior civil officer in particular, surrounded as he was by influences well able to deflect him from his duty, we desire to pay our tribute⁽¹⁾. There were failures among them, as there were failures

(1) Foot-note by Dr. M. A. Rauf :—

I regret that I am unable to concur with the rest of the Committee in its high opinion of the Subdivisional and Township Officers. Besides the Wakema and Taungdwingyi failures and the allegations at Ye-U, there were allegations, in my view not altogether unjustified against the Subdivisional Officers at Myanaung (*vide* witness Nos. 35, 39—41); Nyaung-U (*vide* Pakokku witnesses Nos. 12—15 and Kanbalu (*vide* Shwebo witnesses Nos. 11-12). There were also a large number of complaints against Township Officers. Most of the serious disturbances took place at the headquarters of Subdivisions, where either no action was taken or invariably it was taken too late after the disturbances had spread and assumed alarming proportions. While expressing the above opinion I wish to make it clear that I have no doubt that a number of civil officers of the subordinate services did acquit themselves with credit and prevented riots in the localities in their charge and this note must not be read as a condemnation of the service as a whole.—M. A. R.

among the police. But, upon the whole, it is no more than just that we should say that they tried to do their duty loyally and well. The particular failures, so far as we have met them, we have set out in full in the earlier parts of our Report. In both the cases ⁽¹⁾ in which the failure was outstanding and complete, it is fair to say that the officer in question found himself associated with police officers who themselves were unable to supply the strength he lacked. Though this may be a counsel of perfection, we hope that in the subdivisions it may be possible, whenever the force of character of a Subdivisional Officer is in doubt, to see to it that he has associated with him a Subdivisional Police Officer of undoubted strength. For a combination of a weak civil and a weak police officer is a highly dangerous one

The first care of the civil officer, of whatever his charge consisted, was to endeavour to procure peace. And this, in nearly every place, we think he earnestly tried to do. The common form for this was to get together the elders of both the Burman and the Indian communities in the towns and villages within his charge. And in the majority of cases he had from them a loyal co-operation ⁽²⁾. Where riots ensued despite their efforts, it cannot, we think, be said that, on the whole, the elders withheld their help. In some places their efforts were outstanding and in particular in Yandoon, Henzada and Prome ⁽³⁾. And in Mandalay the Commissioner made considerable use of the elders of the city. In our opinion, where elders gave their co-operation, the gratitude of the citizens is due to them. In mentioning these places in particular, we do not desire to infer that there were not many other places in which they did good work. There were. And, on the other hand, there were places where it cannot be said that the elders gave the help that the civil officer was entitled to expect of them. Pakokku is one such case.

Meetings of elders.

There is one other matter which, in this connection, we think we ought to mention as having particularly struck us. It is the uniform readiness with which the Muslim elders in every place tendered their "apologies" to the Buddhist community for Maung Shwe Hpi's book. It has to be remembered that no Indian Muslim or Zerbadi in the country, outside the handful of them to whom it has been traced, had the remotest connection with, or responsibility for, the book of Maung Shwe Hpi. While we have nothing but praise for their humility and sense of conciliation in tendering the apologies they offered, we think it fair to make it clear that throughout the country they did all in this respect that was possible to avert the disaster which threatened them and in many cases more than could in fairness have been asked of them. In some cases this was effective to promote peace and in more than one place ⁽⁴⁾ the *pongyis* of goodwill were not slow in accepting it. But in many places, we regret to say, it had no effect at all to ward off the

Muslim apologies.

⁽¹⁾ Wakema (page 45) and Taungdwingyi (page 98).

⁽²⁾ We have something to say later upon the allegations which have been made against the *Thugyis* as a class

⁽³⁾ It is an unpleasant commentary on the state of public opinion that the elders of Prome should have been dubbed 'cowards' by its citizens for trying to do their duty in this respect.

⁽⁴⁾ For instance at Yandoon (see page 76)

danger in which they stood from causes in which the book of Maung Shwe Hpi played no or little part.

For the future, if unhappily anything of this kind should occur again, we can only say that the pattern of the "peace" efforts might well be followed as, on the whole, they were successful. But, no amount of conciliation will succeed where the will to maintain peace and good order is not present in one side or the other. We think that the lessons of these peace efforts should be studied and, if possible, that every civil officer should in the form of a memorandum of the experience of these disturbances in this respect be given the benefit of the lessons to be learnt and it should henceforth form part of his training. Moreover, just as the Police should be prepared, so should the civil officer from the Deputy Commissioner to the Township Officer know how, in his charge, he should, in an emergency, set about conciliation.

Civil officers,
as well as
police
officers,
lacked
experience.

In general, then, we think the civil officer did well. But, just as we have pointed to the lack of experience and training in the police in handling situations such as those which daily occurred during the riots and since, so we also have been impressed with the same thing among civil officers. The reason is the same, that there has been little or no history of communal disturbances in Burma. And we think that in the civil officers too, and in Magistrates in particular, to some extent, this constitutes a weakness in their training. We give, as an example, the use of section 144 of the Criminal Procedure Code. This was, we think, most imperfectly understood and in one case, at least, to which we have already drawn attention⁽¹⁾ it was completely misunderstood, with consequences which were unfortunate and might have been more serious still. In some cases it was freely used. In others it was not used until too late⁽²⁾. In one case, an order was passed under it by an officer who had no power to do so. And, from the questions we have asked, it seems that there is an almost universal vagueness as to what disobedience of it entails. It is essential that officers should know exactly what are their powers. Again we find a useful section of the Towns Act (Section 10A) only resorted to in a very few places, because, we suspect, it did not occur to many other civil officers to do so for the purpose of limiting the carrying of arms. And in all civil officers who are Magistrates, it is as vital as it is for police officers that they should know their exact powers in relation to unlawful assemblies under section 128 of the Criminal Procedure Code so that they may be used with confidence. There was we think among many civil officers who were Magistrates the same hesitancy to have resort to their legal powers as we have observed among the police and the same lack of confidence in their use. Much of this we are convinced comes of unfamiliarity with them. We think that some such small and convenient guide as the Manual we have suggested above⁽³⁾ would be of incalculable use to the civil officer in an emergency and a good deal of the uncertainty as to the powers at his disposal and their use, which was evident in these riots, would be avoided.

(1) See page 145.

(2) Paungde. See page 88.

(3) See page 245.

Section 144 of the Criminal Procedure Code ⁽¹⁾ is a section designed to make it possible to issue temporary orders in urgent cases of nuisance or apprehended danger. It is without a doubt a very useful section which gives power to a Magistrate of requisite degree to meet emergencies of just that kind threatening the public tranquillity with which Burma has in many different ways been only too familiar in the past few months. And it is a section with the use—and the consequences of the use—of which we venture to think every civil and police officer in the country ought to be familiar. But yet we find, even in high places, a good deal of vagueness as to what it means. We have already drawn attention in what we have said about the Shwabo District to the consequences of a complete misunderstanding of the section and, in other cases, too in which we have discussed the section with officers of rank, we have found conflicting views.

Although our Committee contains a preponderance of lawyers, we hesitate to lay down the law because that is not our function and there is the disquieting possibility we might be wrong. In what we say, therefore, we must be understood as expressing only what we conceive the law to be. When an order under section 144 of the Criminal Procedure Code is made and a breach of it occurs, the penalty of such breach is in terms provided by section 188 of the Penal Code which says that anyone who knows that, by such order, he is directed to abstain from any act and disobeys such direction, shall, in certain circumstances, be liable to certain penalties. These penalties amount, if the disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or an affray, to six months imprisonment or a fine of up to a thousand rupees ⁽²⁾. The important thing to notice is that a specific penalty is by Statute provided for disobedience of the Order. We have already ⁽³⁾ dealt at length with those sections of the Penal Code and the Criminal Procedure Code which deal with unlawful assemblies, what they are and how they may be dispersed. What then of the assembly—be it a forbidden procession or a forbidden collection of more than five—which is merely in disobedience of an Order under section 144 of the Criminal Procedure Code? The Deputy Commissioner whose order we have referred to above made no bones about it and said it could, and would, be shot at. And we are convinced that he is not alone in that view. There appears to us to be much uncertainty upon this question not only in the minds of civil and police officers but in the public mind as well. It is not in our view, right that any ambiguity should exist upon a

⁽¹⁾ Section 144 of the Criminal Procedure Code :—

" 144. (1) In cases where, in the opinion of a District Magistrate, a Subdivisional Magistrate, or of any other Magistrate not being a Magistrate of the third class specially empowered by the Governor or the District Magistrate to act under this section, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable.

Such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray."

⁽²⁾ These in our opinion are most inadequate maxima of punishment.

⁽³⁾ See page 227 *et seq.*

matter such as this which is of paramount importance to the public and to the officers whose duty compels them to use these powers. We shall venture to express our own view.

We think that disobedience of an order under section 144 of the Criminal Procedure Code does not *per se* create, in those who disobey, an "unlawful assembly" within the meaning of section 141 of the Penal Code. Nor, if it did, would it entitle its disobedient members to be shot at sight, for still the provisions of section 128 of the Criminal Procedure Code would have to be complied with. It is best to take an example. Suppose that an order has been made that five or more persons are not to collect upon the public highway and twenty persons do collect in disobedience of that order. In order that they may be an unlawful assembly they still would have to qualify as such under section 141 of the Penal Code. With the possible exception of the third sub-section of that section, there is nothing which could render them *per se* an unlawful assembly. But it has been suggested to us that such an assembly merely by virtue of its disobedience of an order under section 144 must be deemed to have "the common object..... to commit any mischief or criminal trespass, or other offence ;....." It is said that disobedience of section 144 is itself an offence under section 188 of the Penal Code and, therefore, such an assembly qualifies as an unlawful assembly. We do not take this view. We think that an assembly may well be in disobedience of an order under section 144 and so committing an offence under section 188 of the Penal Code, without necessarily having "the common object to commit any mischief or criminal trespass or other offence." Take, for example, a case in which such an order as we have supposed above exists. In the face of it, twenty persons go together along the highway to bury a dead person. That is a breach of the order. But can it reasonably be said that they have "the common object.....to commit any mischief or criminal trespass or other offence"? We do not think it can. It may well be, and in all probability would be, in most cases where an assembly is found in a time of disturbance abroad in disobedience of section 144 that it has some "common object" which will qualify it as "unlawful". But, in our opinion, the fact alone that it is in breach of section 144 that it has collected, is not such an "other offence" as is referred to in section 141 of the Penal Code. And, indeed, if one looks at section 141 itself, it becomes the more apparent, for no mere disobedience of section 144 of the Criminal Procedure Code is by itself an "offence" even under section 141 of the Penal Code. Such disobedience has to be wilful, in the sense that the existence of the order is known and it must tend to certain consequences. This alone would preclude the persons constituting an assembly disobeying section 144 from automatically being classed as an unlawful assembly, because *non constat* even then that they are committing an offence under section 141. And most certainly, no civil or police officer could safely so assume.

The importance to us lies rather in the uncertainty which exists than in the view itself. We think it wrong that any form of doubt should be allowed to continue in so grave a matter and we cannot refrain from the comment that we are surprised that any civil or police officer should have been allowed to entertain a doubt upon so important

a matter. Here again the little Manual which we have recommended would be useful. It could in simple language—more simple than we have used—inform everyone of what the law is in this respect.

There is an aspect of our inquiry concerning civil action which has caused us great anxiety and that is the withdrawal of riot charges. It has been met with frequently in many different forms and it is complicated by the fact that to this, as to most other questions there are two sides. We have been brought in contact with the matter in many ways. We first have met it in the volume of complaint which has arisen in some places that "indiscriminate" arrests were made upon a wholesale basis without rhyme or reason. In the Myaungmya District this arose in its most acute form. And, of course, the arrested persons and their friends and sympathisers point to the withdrawal of cases and allege that in them we have the proof of what they say. Then we have been presented with the converse of these cases. By the Indians of the country it is, in general, alleged that far too few of those who were known to have taken part in looting, assault and even murder were even arrested and that in fewer cases still was any attempt made to punish them. From the point of view of many officials in the country, temperate and experienced men, we are told that the inevitable result of the excessive leniency with which rioters and worse have been treated in and after the riots into which we have inquired must be that law and order will be discounted even more than they now are and that the belief, to which the experience of the Coringhee riots gave birth, will grow still further that, if only it is done on a sufficient scale, rioting and crime will go unpunished. And we ourselves have sometimes been constrained to ask, in cases where to all appearances the evidence should have been clear, how it came about that no arrests were made or, if they were made, no trials ensued even where murder was involved. It has not been easy for us to keep a straight course in steering through these currents of conflicting view.

The withdrawal of riot charges.

Not the least of the depressing aspects of our inquiry has been the evidence of the readiness, indeed the anxiety, of Burmans on every hand to do whatever lay in their power to exculpate those who have transgressed in these riots, no matter what their crimes have been. There has been displayed before us so complete an absence of any sense of public spirit and good citizenship in this respect, that we might have been excused had we abandoned hope—which we have not—of the ultimate creation of a sound and healthy public opinion in Burma. This has nothing to do with nationalist ambitions with which we sympathize. For, in our view, the quickest way in which those ambitions can be realized is by the establishment among the Burmans of the nation of a public spirit of orderly conduct, tolerance and honest dealing, while the greatest enemy to their realization is the spirit of hostility to discipline and social order which has been displayed before us. In this question of the withdrawal of cases, and the attacks upon the police based upon it, this spirit we have noticed has played a great part. For there is no doubt that the sympathies of the vast majority of even respectable men and women lay, and still lie, with the rioters and not with their victims or the police. And this pressure of perverted public opinion must we think account in no little measure at any rate for the policy pursued. Nor is it a good omen for the future of Burma.

But, as we have said, there are two sides to the question and, in fairness, the other has to be considered. In order to obtain a true view of the matter a number of facts must be appreciated. First and foremost, try how they might, it was a physical impossibility for the existing police forces, at the time and in the confusion that followed, to open and investigate cases against everyone. Many times have we been told of information given to the police which it is complained was not followed up. One must be reasonable about this even though a disappointed and terror stricken victim of the riots may not be able to see it with the same detachment that we can use. We have no doubt that there must have been innumerable cases during the actual riots and after in which, had they had the time and the staff, the police could and would have done more than they did. That has to be remembered. Then it is unquestionable that, in most cases in which investigations were made, Indian victims and Indian witnesses were too frightened to come forward. The case of the murders at Letpadan in 3rd Street⁽¹⁾ is only one of many, many such cases. At first sight it is positively shocking to learn that ten or more people could be openly murdered by a crowd in broad daylight in a well populated road of a large town and yet no one was brought to trial. We inquired into this and are satisfied that the case had to be left as undetected because the evidence which was in existence was not forthcoming. That is one instance of many which must have occurred. It is a fact that Indian witnesses were too frightened to come forward. That, too, accounts for many of the cases that had to be withdrawn.

We have felt it our duty to inquire into the communications which were addressed by the Home Department of the Government of Burma to District Magistrates upon the subject of their treatment of riot cases. We have set out the numbers of these cases in full⁽²⁾ in dealing with the Myaungmya District. We have done this because there has from some quarters been a suggestion that some form of pressure was brought to bear by Government upon District Magistrates in general to withdraw cases against their better judgment. On the whole, that is not true. To the letters of the 17th/18th October and the 8th November we think that no exception can be taken upon the ground that they were incorrect in form. They conveyed, it is true, an intimation of the policy of Government that no cases ought to be proceeded with unless clear evidence existed and unless the charges brought were so serious as to hold a prospect of sentences longer than the detention which the men had already suffered. And it is fair to say that, with one exception, we have found no cases where the police themselves have opposed withdrawals. We are unable to see any technical irregularity in the Government defining for the benefit of District officers a policy to be pursued. But in a few cases, there is a comment to be made.

In the Myaungmya District, in which the number of arrests was very large and the number of cases withdrawn disproportionately great, we are by no means satisfied that the discretion of the District Magistrate was exercised wholly judicially. We have been told, and

⁽¹⁾ See page 194.

⁽²⁾ See pages 60, 65, and 67

accept it that the bulk of these withdrawals was strenuously opposed by the District Superintendent of Police himself upon the ground that convictions could, and should, be obtained. And we think that it was particularly unfortunate that the question of these withdrawals should have been the subject of any conversation between the Secretary of any Minister, other than the Home Minister, and the Deputy Commissioner concerned. At Paungde⁽¹⁾ we think it unfortunate that a Minister, other than the Home Minister, should have interested himself in the release of prisoners, notwithstanding that they were his own constituents, for inevitably it gave the impression that the law could yield to favour. And we know of many cases in which members of the public have thought that by approaching high officers of State some form of favourable treatment for their friends and relations could be obtained.

We have compiled a statement of the persons charged with riot offences and the course their cases took. Out of a total we have traced of 4,306 we find no more than 1,798⁽²⁾ men whose cases have been tried to a conclusion and of these 900 were convicted. Making all allowances for the pressure at which the police were working and for the reluctance of Indian witnesses to come forward, this is not an impressive total. Though we cannot in any way complain of the constitutional propriety of the Government indicating a *bona fide* policy to be pursued in the matter of riot prisoners and still less suggest that the policy of leniency pursued was anything but *bona fide*, we feel at liberty to say that we doubt its wisdom in the extent to which it went. We are quite sure that the virtual immunity of rioters in general from arrest and punishment has left behind it a legacy of contempt for law which subsequent events are proving will be hard to eradicate. We think that greater determination to find and punish those who had committed offences during the riots might, in spite of all difficulties, have been shown, had not the policy of leniency been openly followed.

We think that the effect of this policy has been to create, or rather to confirm, a popular belief that punishment does not follow riots and communal disturbance on a large scale. And certainly it has been misunderstood by the Indian victims of the riots who not without reason, ask themselves whether they will be safe henceforth in a country where they may be killed and maimed and their property destroyed with actual impunity. We think the policy was overdone and that its consequences have been unfortunate. And, though we have said that we can see no technical impropriety in the Government itself through regular channels "advising" a policy to be pursued, we cannot refrain from saying that, in our opinion, even that was undesirable. It would have been far better if the police and other prosecuting officers of the country had been left to perform their normal duties of investigating all the cases they could and determining in which there should be prosecutions and in which there should not. To do so would have been fairer to the public and the police themselves. For we cannot doubt that, in many cases in which the Memoranda in the form to which we have referred were received by District Officers, they were accepted as

A criticism
of policy
pursued.

⁽¹⁾ See page 96.

⁽²⁾ This figure does not include 41 persons whose cases were still under trial at the date of our enquiries.

positive instructions as to what they were to do. We suggest that in any case of this kind it is always preferable to leave the law in the first place to take its course and, should a policy of leniency be proper and required, to apply it at a later stage when peace has returned in the form of an amnesty at the hands of the executive authority. This avoids the disastrous confusion of executive and judicial action. That, we think, is the course, which, should it be necessary and proper, presents less risk of weakening the established sanctions of the law and of ultimate misunderstanding in the minds of citizens at large and of the victims of the rioting. We view with alarm anything which could have been open to the misconstruction that the ministers of law were passive or powerless to act. And we think that the course pursued has tended to give rise throughout the country to that impression. And we most strongly condemn any form of intervention by any individual Officer of State, no matter who he is, whose legal duty does not so require, between the law and its normal execution. Nothing could be more harmful to the rule of law itself or more unfair to those whose duty it is to administer the law.

2. "THUGYIS."

Complaints
against *Thugyis*.

There has been a volume of complaints against the *Thugyis* in the villages and towns in which rioting occurred. And they have been too numerous for us to ignore. Here again we have been faced with the practical impossibility of investigating judicially the cases we have come across and we have had to reach such conclusions as we can upon a general view of the evidence as a whole. It has been one of the general complaints put forward by the Indians of Burma that the *Thugyis* to whom they looked for help as often as not sided with the rioters against them. In many places our evidence has been that the village headman was to be found himself among the crowds engaged in destroying or looting Indian shops and houses. In others we have been told of them taking part in these acts themselves. We have heard of cases of help to Indians being refused and of money being asked for as the price of their protection. It is the volume of these complaints that is disturbing. Were there a few such incidents it might be possible to dismiss them on the ground of mistake, prejudice or some local grudge. But they are so many and they are put forward with such uniformity and in circumstances which provide in many cases no reason why false evidence should be given, that we are compelled to believe that there must be in many of them some substantial foundation of truth. And, indeed, several district officers whom we have met have been prepared to concede that many headmen joined the rioters. Again, we must be careful not to be supposed to mean that every headman was disloyal to his duty, or even the majority. We have, indeed, met cases in which there is no doubt that Burmese Headmen gave their protection to threatened Indians with courage and impartiality. But, on the whole, the evidence is such as to leave us with the impression that there were too many cases in which the headman not only did not do his part to prevent the riots and, when not prevented, to protect the Indian victims of them, but was to be found himself among the crowds of rioters and looters. We have made a schedule ⁽¹⁾ of those cases which have been specifically brought to our

⁽¹⁾ Appendix XIV.

attention in order that they may be, if necessary, indentified. We bear in mind the difficulties that a headman has to face in an isolated place. But his influence ought to count for something and, whether great or small, ought always to be found upon the side of law and order. We are by no means satisfied that the general experience of these riots has shown that that was universally the case. When these disturbances and their aftermath have died away we think that it would be wise that some attention should be paid to the quality of the headmen of the country. It is difficult for us to suggest how this could be done. But a number of specific allegations have been made to us and can be traced, which would bear investigation. And at least, we think, that it should be one of the foremost cares of every Township or Sub-divisional Officer and of every Deputy Commissioner to keep himself in touch with the quality of all headmen in his charge. No doubt that is to some extent the practice. But we are not sure that this important work is done with the thoroughness it deserves. The headman, as a humble unit in the administrative system of the country, is of great importance and we regret to think that there should be no little evidence that many of them do not deserve the confidence reposed in them⁽¹⁾. To those who did their duty the greater credit is due because it was more often than not a difficult duty to perform and the example set to them by many of their fellows was not a good one. This is a serious matter and should, we think, receive attention.

3. CIVIL ACTION IN RELATION TO THE PRESS.

We have in the interim volume of the Report shown the extent to which an immature and irresponsible vernacular press in Burma has, in our opinion, contributed to the creation, before and after the separation of India from Burma, of a communal problem between Indians and Burmans which was wholly foreign to the history of the country and to the traditional tolerance of the Burman character. We think that a wanton wedge of prejudice was, for political ends, driven between the two peoples living side by side in Burma—without any thought either of the real interests of Burma itself, of the contribution India has in the past made to the creation of modern Burma or to the future peace and prosperity of the country in which both Burmans and Indians will live as British Subjects. This insane propaganda against Indians was allowed to go on. And, though we both sympathize and approve of a spirit of healthy nationalism as a sign of progress, we must condemn the deliberate and unnecessary destruction of the good relations between Indians and Burmans in Burma for which we think this press has been largely responsible.

The Press
before the
riots.

When the opportunity arose in the form of Maung Shwe Hpi's book, we think that this irresponsible Press saw in it an opportunity both to embarrass a Ministry which, for political, and, perhaps, selfish ends, it purported to oppose and to advance its anti-Indian campaign. It did not hesitate to base attacks upon the Ministry upon the very ground that it derived support from Indian and other non-Burman votes. It played upon the anti-Indian theme. And finally, when the riots themselves broke out and since, it has by every art at its command

The Press
since the
riots.

⁽¹⁾ The volume of evidence of this kind from the Shwebo District is particularly great.

continued to bring to nought the efforts of the civil and police authorities throughout the land. In this we see no trace of disinterested nationalism. We see a wanton sacrifice of lives and property of Burmans and Indians alike and of the future of Burma itself. We see contempt of law applauded. We see unrest in industry encouraged, where no industrial complaint exists. And we behold the disgusting sight of the very children of the country being offered on the altar of selfish political ambition. We do not think the language is too strong.

The position
of the Press.

We venture to quote a classic passage from Erskine's defence of Thomas Payne⁽¹⁾ the author of the "Rights of Man" in which is defined the position of the Press in words which we think both the Press and those who govern Burma would do well to remember :—

"The proposition which I mean to maintain as the basis of the liberty of the Press, and without which it is an empty sound, is this ; that every man, not intending to mislead, but seeking to enlighten others with what his own reason and conscience, however erroneously, have dictated to him as truth, may address himself to the universal reason of a whole nation, either upon the subjects of Governments in general, or upon that of our own particular country ; that he may analyse the principles of its constitution, point out its errors and defects, examine and publish its corruptions, warn his fellow citizens against their ruinous consequences, and exert his whole faculties in pointing out the most advantageous changes in establishments which he considers to be radically defective, or sliding from their object by abuse. All this every subject of this country has a right to do, if he contemplates only what he thinks would be for its advantage, and but seeks to change the public mind by conviction which flows from reasonings dictated by conscience. If indeed he writes what he does not think ; if contemplating the misery of others, he wickedly condemns what his own understanding approves ; or, even admitting his real disgust against the Government or its corruptions, he calumniates living magistrates, or holds out to individuals that they have the right to run before the public mind in their conduct, that they may oppose by contumacy or force what private reason only disapproves ; they may disobey the law because their judgment condemns it ; or resist the public will because they honestly wish to change it—he is a criminal upon every principle of rational policy, as well as upon the immemorial precedents of English justice ; because such a person seeks to disunite individuals from their duty to the whole, and excites to overt acts of misconduct in a part of the community, instead of endeavouring to change, by the impulse of reason, that universal assent which, in this and every other country, constitutes the law for all."

Excess of
restraint in
dealing with
the Press.

We see no reason why these words should not apply to Burma. We think that those sections of the Press which, in our opinion, have sought to disunite this country and to detach its citizens from their

(1) Rev. Thomas Payne (1792) 22 State Trials page 417.

loyalty and their duty have received more leniency than they deserve or than the safety of the country can afford. We think that, until these disturbances are over and until a sense of responsibility revives, those of the newspapers of Burma which cannot, or will not, observe the law ought to be told that they can print no more. It is not for us to say what should or should not be proscribed. But we feel entitled to say that if a Press does not observe its responsibility, it becomes dangerous and the safety of society demands the strongest measures to control it. In this respect, we think, the civil power of Burma has exercised too much restraint.

4. RUMOURS.

One of the principal immediate causes of the spread of rioting and trouble both locally and over Burma as a whole, and one of the greatest enemies of the restoration of tranquillity, was "rumours". We have already noticed how, almost in concentric circles radiating from Rangoon, the rioting broke out as soon as the newspapers—and the rumours—arrived. And in individual towns themselves we have been struck with the prevalence of, and the credulity accorded to, rumour and gossip of every kind. We have seen in many places how the mischievous rumours of actual or impending attacks upon the Sule, and the Shwedagon Pagodas were responsible for trouble almost everywhere. Both were quite untrue. Stories of attacks on *pongyis*, though in Rangoon several did take place, were grossly exaggerated and spread throughout the country. Tales of deliberate police assaults on *pongyis*, which had no truth, were given currency. In Wakema⁽¹⁾ stories were believed of bands of Indians assembled outside the town for the purpose of attacking its Pagodas. Stories of imaginary insults to Buddhism were common. Most fantastic rumours of the poisoning of food by Indian shopkeepers became quite fashionable. All these and many more were flying round the towns and villages of the country and, for the most part, were readily absorbed. It has been a very striking feature of the inquiry to what an extent this menace of rumour, not always, we think, spontaneous, fought on the side of those who did not want to see order speedily restored. It is hard to believe, unless one comes in contact with it, as we have done, to what an extent human credulity will go.

We think that, out of the experience of these riots, this lesson should be learnt, and that some efficient scheme should be devised to do whatever can be done to counteract it. It is to some extent bound up with the whole question of how to set about trying to discount the propaganda with which we have observed the country has been lately threatened. A most responsible Burmese gentleman who gave evidence to us in Rangoon himself deplored, with truth, that there exists in Burma no vernacular newspaper, standing outside and above party politics and prejudice and with no interest to serve but those of Burma itself. And that is true. One of the greatest and most useful steps that could be taken would be the establishment by Burmans themselves in Burma of a national Burmese Buddhist newspaper which by its sincerity and sense of responsibility could attract the confidence of all the many sincere and decent men and women in the country who know

(¹) See page 45.

quite well that in this respect they are ill served at present. But that is perhaps too much to be hoped for. We do, however, think that more might have been done, and, if the experience had existed, would have been done, to counteract at once the dangerous flood of rumour which was spread about. We understand that use was made of wireless broadcasts and we are told that daily reports were issued from Rangoon for distribution in the Districts. This was all to the good. But we feel it might be taken further. We think that some standing scheme might always be kept ready and prepared, should the necessity arise, for circulating from Rangoon the truth of what is taking place. We think that every Deputy Commissioner should, in his District, be prepared to meet rumour when it arises and to make known the truth by means which at a moment's notice he can call upon. And so in subdivisions, towns and villages we think that some instruction should be given to those in charge—even down to Headmen—of the vital importance of, and the best means for, making known the truth whatever it may be. We think that village headmen should be encouraged, wherever possible, to keep small wireless sets. We think that, not only civil officers, but police officers as well, should constantly be supplied with information which they can use to spread the truth. We have not the knowledge to make specific suggestions how all this can best be done. We must be content to point out the danger of "rumour" in a time like this and to say that it has struck us that the steps taken to meet it during the riots and after have not been as effective as they ought to be.

5. THE PART PLAYED BY CERTAIN PONGYIS. ⁽¹⁾

A distressing
feature of
our enquiry.

It is distressing to us to be compelled to write this and the succeeding paragraphs of this report. But we cannot discharge our duty without drawing attention to the part played in the disturbances into which we are charged to enquire by a considerable number of *pongyis* who unquestionably took an active part in them in many, if not in most, of the towns and villages in which they broke out. This matter is bound up with the question also of the use, or rather misuse, to which many *Kyaungdaiks* throughout the country were, and are being, put.

A minority of
evil *pongyis*.

Before we embark upon this, we desire to make it clear that even those of our Committee who are not Buddhists yield to no one in respect for those Burman Buddhists who sincerely profess Buddhism, for their *Sangha* as a whole and for the sacred places and religious establishments belonging to their faith. And we are determined that it shall not be supposed from anything we say that those *pongyis* who by their presence in the *Sangha* have brought discredit upon it are anything but a minority. Nor, serious though it is, is that minority, in our opinion, as large as some would have us suppose. We believe that the majority—the great majority—of the *pongyis* and certainly of the *Saya-daws*, of the country are righteous and earnest men to whom the activities of the disreputable element are as detestable as they are to us. But the misfortune and the danger lies in the fact that the younger and

⁽¹⁾ We have throughout the ensuing paragraphs used the word '*pongyi*', although we recognise that there may be cases in which the persons concerned and wearing the yellow robes either never were *pongyis* or by virtue of their conduct may have ceased to be *pongyis*.

disorderly members of the Order are necessarily those whose influence in disturbances such as these is most widely spread among the people and in the circumstance that the older and sincere *Sayadaws* and *pongyis* are, by their very sincerity, unable to control them.

A number of causes have, in our opinion, contributed to the deplorable corruption of the *Sangha* of which we have evidence. Whatever may have been the case in the days of the Burmese Kings, there is now no supreme sanction in matters of ecclesiastical discipline behind the authority of the *Sayadaws* of Burma. They have, so to speak, been "left in the air," without the "Ah-nah-set" or sanction of the Sovereign to support them and it is not surprising that they should, notwithstanding their "Dhamma-set" or sanction of their Noble Dhamma or doctrine, have proved unable to resist outside influences. The result has been a progressive decline in the influence for good of the real ecclesiastical authorities. To this must be added the inability of genuine and good professing Buddhists—whether *rahans* or laymen—to check the degeneration which has set in. Buddhism itself, by its very principles, unfits those who earnestly profess it from organising and enforcing a standard of monastic discipline capable of resisting the external influences which operate in the altered conditions of today. And, in consequence, the *Sangha* and the *kyaungdaks* of Burma have been unable to prevent their own exploitation in the general confusion of nationalist, economic and political ideas which have by politicians been exploited to the utmost and have overwhelmed the country in recent years. It will be of real benefit to Burma and to Buddhism when the State plays its part in supporting—not replacing—the authority of the *Sangha*.

The reason for the corruption that has set in.

In our evidence we have a mournful record of these so-called *pongyis*, *wpazins* and *koyins* up and down the country promoting meetings in their *kyaungs* for political or subversive ends, participating in rioting and, arms in their hands, leading or accompanying crowds of hooligans, committing assaults, looting and even murder and in general breaking the civil laws of the country and the laws of their own order⁽¹⁾. This, too, is a serious menace to the life and progress of the country and it must, by the encouragement it has given to the forces of disorder, be classed as one of the causes of the riots and of the general atmosphere of disturbances which has followed them. The influence of the yellow robe, whoever may wear it, is great in Burma and is on that account the more dangerous when it is misused. Its influence may be gauged by the indignation—some of it genuine—which the people have expressed to us in almost every case in which a *pongyi* has been injured, or even arrested, in these riots, no matter how

Our evidence a mournful record of behaviour of many so-called *pongyis*.

(1) Foot note by U Kin Maung Dwe.—

A *pongyi* or a *rahan* is a person who has cut himself off completely from earthly ties and has taken a vow to lead the life of purity and poverty. The obligations of the religious life place upon him serious limitations in possessing properties, for a *pongyi* can normally possess only the following namely, food, raiment, shelter and medicine and his eight priestly requisites known as (ဝိနောဝိနော). No tangible cases have been brought to our notice, nor am I aware of any in which a *rahan* has committed an act of violence for his personal gain or profit. Such an act calculated to enrich one at the expense of others is still looked upon by them with abhorrence in spite of the degeneration of the *Thathana* under conditions now prevailing in Burma. K.M.D.

dreadful his conduct may have been. We do not wish to pursue this matter, for the facts speak for themselves. We have in the course of our investigation taken specific evidence in which we have been told that in nearly fifty cases armed *pongyis* were among the crowds, in an equal number of such cases *pongyis* themselves were seen to commit assault, in nearly twenty cases *pongyis* were found looting, in eight cases they were found committing arson, and in four committed murder. We must not be taken to mean that all these cases have been judicially proved before us. On the other hand they are only those of which we have received specific evidence or to which there is a reference in official records. They are, we think, only a few of the cases that actually occurred. They are enough to show the danger in which society, and the reputation of Buddhism itself, stands at this moment at the hands of a minority of *pseudo-pongyis* whose influence the Sangha itself is no longer strong enough to withstand.

6. SEARCHES OF KYAUNGDAIKS.

The danger to the community and to the religion itself from the misuse of *kyaungdaiks*. We have already said that we do not desire to be understood, in the observations we have made upon that minority of *pongyis* who disgrace the Order founded by Buddha, to suppose that they represent the Sangha as a whole. In the same way, in what we now say about the *kyaungdaiks* and *kyaungs* in which they live we are not to be taken as suggesting that the majority of these institutions in the country as a whole are not entitled to the reverence with which they are treated by good Buddhists as places of spiritual retreat and of learning. But, if our report is to be complete and frank, we cannot shirk the unpleasant task of pointing to the danger to the community and, indeed, to Buddhism itself, in Burma which, in our view, exists to day by reason of the abuse to which many of these establishments are being put. The danger to the community lies in the common notion held by many, if not by most, unthinking Burmans that such places, no matter how misused, are in some way beyond the reach of the ordinary law of the land. The danger to the religion itself is more subtle, but no less real, because all history proves that once a religious Order begins to lose the respect of those who rely upon it, it must necessarily decline and, finally, succumb. If history has proved that to be true of other religions, as unquestionably it has, it should be a warning to the Sangha in Burma.

This misuse is an insult to Buddhism. It has been one of our most painful experiences to discover in the course of our inquiry to what an extent the *kyaungdaiks* and *kyaungs* of the country are being misused. This is, of course, inseparable from the question we have already dealt with of the corruption of the Sangha itself by the penetration into it of young and disreputable men whose very presence in the Order is an insult to the Religion and its Founder. We have already pointed out more than once that the affront offered to Buddhists by the silly book of Maung Shwe Hpi was as nothing to the standing and daily insult that is being offered to Buddhism by so-called *upazins*, *koyins* and *pongyis* who, dressed in yellow robes, have committed the crimes against both the civil law and the *Vinaya* of which there is abundant and incontrovertible evidence almost throughout Burma.

What we are concerned with here is to observe the use to which, in instance after instance, the *kyaungdaiks* of the Order have been put and in particular their relation to the civil law of search. It is no good shutting our eyes to facts. For the evidence is far too strong to enable us, in honesty, to come to any other conclusion than that a great number of *kyaungdaiks*, and of *kyaungs* within *kyaungdaiks*, were, and are still being, misused. The outstanding example in Rangoon is the *Thayettaw kyaungdaik*. Not only is this place a centre of political intrigue, but it is far worse. On the 26th of July, the day when the riots began, it was used as a stronghold of hooligans in yellow robes and of hooligan laymen. And it has, we understand, become no better since. Although the Commissioner of Police has disclaimed any certain knowledge of the fact, we ourselves feel that the evidence supports the view that those engaged in looting in the town made use of the *Thayettaw Kyaungdaik* to some extent as a repository for their loot. Nor was this the only *kyaungdaik* in Rangoon so to be used. There are at least four other large ones scarcely more reputable⁽¹⁾. As far as we have been made aware, these *kyaungdaiks* were not searched during the riots nor after.

Kyaungdaik
in relation to
the right of
search.

The *Thayettaw* and other
kyaungdaiks.

In the Districts, we have met with no less striking evidence of the same phenomena in place after place we have been to. In *Wakema*⁽²⁾ the *Payagyi* was the centre of the disturbance. In *Yandoon*⁽³⁾ and *Paungde* the *ponggi kyaungs* were misused in the same way. In *Pakokku*⁽⁴⁾, where a search was actually made, there was in fact grave suspicion of tattooing in a *ponggi kyaung*, in *Toungoo*⁽⁵⁾ the *Paya* was the stronghold of the rioters and also in *Pegu Town*⁽⁶⁾ the *Thunpayagyi Kyaungdaik*. In *Mandalay* there is abundant evidence that it is in the *ponggi kyaungs* that a great deal of the mischief originated and that it is emanating from them still. The story is the same in place after place.

In the Dis-
tricts.

The question that has to be faced is whether, in this condition of misuse of these places, the State as a whole can afford to permit an idea to gain currency—and undoubtedly it exists—that *ponggi kyaungs* enjoy a privilege of immunity from search or even that the search of *ponggi kyaungs* is a step hostile to the interests of Buddhists. If the *ponggi kyaungs* of the country were uniformly respected by those they shelter and had they not been allowed to be put to the purposes we mention, this question would never have arisen. But, as it is, it is a serious question. In our considered opinion, until there arises in *Burma* a general Buddhist public opinion which will no longer tolerate the desecration from within of the *ponggi kyaungs* which the people support, so long will it be necessary, when occasion arises, for the police for the security of the country to exercise in respect of them those ordinary functions, such as the right of search, which the law provides. And no right thinking Buddhist will resent it. Indeed, we feel that many *Sayadaws* might well welcome the assistance of the State. We think that too long has there been hesitation to face the

This question
must be
faced.

⁽¹⁾ See the evidence of Rangoon witness No. 7.

⁽²⁾ See page 45 *et. seq.*

⁽³⁾ See page 79 *et. seq.*

⁽⁴⁾ See page 132.

⁽⁵⁾ See page 210.

⁽⁶⁾ See page 211 *et. seq.*

facts to which we have drawn attention, which have been known to everyone since these disturbances began. There has been allowed to grow a popular conception of the disabilities of the police in relation to the entry and search of *ponggi kyaungs* which has become dangerous and ought to be corrected.

The proper position of *ponggi kyaungs* should be recognised.

Though we hold the view strongly that a *ponggi kyaung* cannot occupy in law any exceptional position, we should be the last to countenance or encourage any threatment of *ponggis* or their *kyaung-daiks* which did not recognise in full their proper place in the life of the country and the esteem of its people. And we should be the first to allow that a *ponggi kyaung* should not, in the matter of entry and search, be treated in quite the same way as a house or an ordinary building. This is due to that majority of *ponggis* who are a credit to their order and a source of strength to the State. But the present position goes, in our view, far beyond that. For, it is the truth that the *ponggi kyaung* is, in practice, almost immune from search. We think that, without difficulty, regulations in this respect could be devised under which could be easily reconciled the claims of the State to exercise its undoubted rights on the one hand and the susceptibilities of all honest Buddhists on the other hand. But it has to be appreciated that sometimes a search to be effective has to be sudden and secret. Though it is, possibly, not within the ambit of our inquiry, we could ourselves suggest the outline of such regulations. In cases in which secrecy or suddenness are not of primary importance, a search should be made only after notice to the presiding *Sayadaw*. In cases where secrecy is essential, then we would suggest that, before any such search is conducted, a memorandum in writing should be delivered, to the senior civil officer on the spot, by the senior police officer requiring the search to be made, containing a statement of the reasons for which he has decided to make the search and the information (if any) upon which his decision is based. But it should not be necessary for the senior police officer, having delivered such memorandum, to delay his execution of the search. The object of the memorandum would be to ensure that the police officer had genuine grounds for searching. And a search once made should be reported at once to the Deputy Commissioner of the district. The actual search should, as far as is reasonably possible, be conducted by Buddhist officers, who, if the senior police officer present approves, should be permitted to remove their shoes upon entering *any religious building* itself, as was done at Pakokku. We do not pretend that these suggestions are necessarily exhaustive of the matter but they serve to indicate the sort of thing we have in mind which might well be conceded to the susceptibilities of Buddhists without loss of efficiency to the police.

To sum this up we are convinced that the present virtual immunity of *ponggi kyaungs* from search is a source of danger in view of the known facts of the recent riots and disturbances. This state of affairs, in existing conditions cannot be reconciled with the rule of law. We can see nothing in a properly conducted search of a *ponggi kyaung* which is inconsistent with the respect due to Buddhism as the national religion of Burma. Indeed, we feel that, until public opinion in Burma itself protects its own religion, the real interests of honest Buddhists lie, not in discouraging, but in assisting the forces of the State.

CHAPTER XX.

Loss of Life and Property and the desecration and destruction of Religious Edifices and Buildings.

1. LOSS OF LIFE.

We have prepared a Schedule, which will be found as Appendix X showing the loss of life and injury which, as far as we have been able to ascertain it, occurred during the riots. Technically, this goes further than is warranted by our terms of reference which include only "loss of life". In order to do this, we have had to take some date as at which to compile our figures. We chose the date when the appointment of our Committee was notified in the "*Burma Gazette*"—the 24th September 1938. The Schedule gives the figures analysed by races and arranged by Divisions, Districts and places in the same way as the Schedule following which relates to loss of property. We have also distinguished between those killed and injured in the rioting and those killed and injured by the police, the military police and soldiers in its suppression. This is a summary of the figures :—

—	Muslims.	Hindus.	Burmese.	Others.	Total.
Killed in rioting ...	139 ⁽¹⁾	25	17	...	181 ⁽¹⁾
Injured in rioting ...	512	199	145	19	875
Killed by Crown forces ..	3	...	56	...	59
Injured by Crown forces	8	1	99	4	112
				Total ...	1,227 ⁽¹⁾

The figures have been compiled from official reports, particularly police reports, checked and added to by evidence given before the Committee and by reference to the hospital figures. So far as it is humanly possible to obtain them, we think they are complete. But it is inevitable that injuries, and perhaps a few deaths, did occur of which there is no trace. We have no doubt that some rioters, and even some victims, who received slight injuries, preferred to nurse them in secret rather than to disclose them. To the Burman rioters in particular this may apply because they feared arrest. We ought to add that, between the date at which our figures have been compiled (the 24th September, 1938) and the date of our visit to Mandalay (the 2nd January 1939), further casualties had occurred. In Mandalay five Muslims had been killed and eleven injured, seven Hindus injured, and two Burmans killed and nine injured. These figures must be added to our Schedule to bring it up-to-date. And more recently still there have been casualties in Monywa and Mandalay and in other places (?).

Casualties
since the 24th
September
1938.

(¹) This figure takes no account of the twenty-three corpses buried in the Tamwe cemetery without burial passes. See Note to schedule in Appendix X.

(²) We have only unofficial information about these and we do not feel justified in dealing with them.

2. LOSS OF PROPERTY.

Principles
adopted by
the Com-
mittee.

It has not been easy for us to know how to set about this part of our enquiry. If we had attempted a meticulous and accurate assessment of our own of all the loss and damage of property suffered throughout the country during these disturbances, it is safe to say that our Report would be delayed indefinitely. To undertake such a task would have required a grand assize by experienced Commissioners with large staffs and many months, if not years, of work to examine and assess each separate claim. Nor do we think that this has been expected of us. What we think we are required to do is to collect such material and figures as we can to show in general terms the nature and the volume of the loss sustained and who the sufferers were.

Losses of
Indian
traders.

We have said enough in Part II of this Report to show that the Indian, and particularly the Muslim, populations of Rangoon and the towns and villages of Burma, were, with few exceptions, almost the only sufferers in property from the riots. The reason, of course, is obvious, because, in all places outside Rangoon, they were a small minority and were uniformly the object of attack. Not only this, but they formed, as we have shown in the interim volume of this Report, a relatively prosperous class of traders and shop-keepers in towns and villages and for this reason too, became the focus of attack. For, not only in their shops and stores did looters, robbers and hooligans reap a rich harvest but it was, and is, the quite deliberate policy of many Burmans to drive them out from trade and to replace them. Nothing could make this more clear than the subsequent history of picketing their shops to prevent their trading which became a common feature of many places⁽¹⁾ and is still going on. We cannot see that much attempt is being made to stop this form of persecution. The right to carry on a lawful occupation without hindrance is in a sense, a right of property but we cannot, of course, assess that and other forms of invisible loss which have accrued to Indians and Burmans and to Burma generally and we shall not try. But this and many other forms of loss there are to Indians in Burma and to Burma itself which are none the less real because they cannot be assessed in terms of money.

Sources of
our infor-
mation.

We have had two sources from which we have found it possible to review the volume of loss that has occurred. First, we have had official figures and secondly, we have had presented to us on behalf of Indians themselves their own claims and estimates in most places of the losses they say they suffered. And from these we have compiled as complete and comprehensive a statement as, in the time and with the facilities at our disposal, we have found it possible to make of the loss that has been suffered. This will be found in Appendix XI. We must, however, give some words of explanation as to how this Schedule was compiled.

The Schedule
of Losses,
Appendix XI.

The Schedule first attempts to show, by Divisions, Districts and individual places, the *value* of loss sustained by the various communities, the Indian losses being divided into losses by Muslims and by Hindus and by other Indians. In the columns of Muslim loss the great

(1) The classic example of this is, of course in Mandalay. See page 186.

bulk of the total loss is to be found. In each case there are two columns (a) and (b). Column (a) shows the value of the loss according to the official estimate while column (b) shows the value of the loss according to the Indian evidence we have received, in cases where we have been given an Indian estimate. But it has to be observed that the Indian figures in a few cases ⁽¹⁾ cover places for which no official estimate has been made, perhaps because they were not known or recognized. But, in many more cases, we have found official figures for which we have no Indian equivalent. This has arisen because the representatives of the Indian community—thorough as their work has been—have not been able to cover the entire ground. It must, therefore, be understood that while official figures in column (a) contain a great number of losses which are not contained in column (b), column (b) also contains a few losses which are not to be found in column (a). Neither column, therefore, is in itself strictly complete, though for comparative purposes it affords a good guide. And, indeed, we must, we think, concede that there are a number of losses which are to be found in neither column and still remain undiscovered. We propose to explain shortly how the figures have been compiled.

The official figures are in most cases based upon reports to Police Stations made during, and immediately after, the riots. In some cases the figure given by the victim himself has been corrected by local officers on their own knowledge or from the reports of their subordinates. In other cases, the local officers have frankly said that they have not found it possible to check the figures and that they have made no attempt to do so. And, in any case we think that any satisfactory and thorough check of the extent and value of all the property claimed to have been destroyed must, in the great majority of cases, have been quite beyond the powers of local police officers, if only because they cannot have had the time to spare to do it. It must be borne also in mind that the official figures do not purport to show losses which were not reported. And we are satisfied from our enquiry that there were innumerable cases in which losses were not reported or, if reported, the reports were not recorded. In some cases, the victims were dead. In many others, they accepted their losses and left for India. And, in more cases still, they kept quiet about them for fear of what might follow. For these reasons we think that it is impossible to accept the official figures as complete.

The official figures.

Whether the Indian figures are exaggerated in value or not, the statement of the extent of the Indian losses in places they have covered has been prepared by those who have represented the Indians before us with great care and thoroughness. As we have already said, they do not cover quite all the ground as they have not been able to reach all the places to which officials have had access. But they include most major places. "Recorders" were appointed for convenient areas both in Rangoon and the Districts. These "recorders" obtained statements from Indian victims, verified by affidavit. Each "recorder" then compiled a Schedule for his area and verified it by his own affidavit. These Schedules have been incorporated in District Statements which have been presented to us and the originals whereof will be found among our records. The same procedure has been followed for Rangoon.

The Indian figures.

(1) About twenty-five cases of relatively small value.

Summary of Results.

The full figures will be found in Appendix XI. But for convenience we shall give a summary here :

Rangoon.

—		Official figure.	Indian figure.
		Rs.	Rs.
Indian losses ...	{ Muslims ...	6,27,383	29,03,947
	{ Hindus ...	51,676	1,84,734
Burman losses ...	...	2,55,288	(No figures).
Others ⁽¹⁾	24,696	(No figures).
Total ...	...	9,59,043	30,88,681

The Districts.

—		Official figure.	Indian or Burman figure.
		Rs.	Rs.
Indian losses ...	{ Muslims ...	9,90,580	22,27,024 ⁽²⁾
	{ Hindus ...	1,05,513	1,27,755 ⁽²⁾
Burman losses ...	...	1,000	1,000
Others ⁽¹⁾	7,129	(No figures.)
Total ...	...	11,04,222	23,55,779 ⁽²⁾

From this the following percentages can be deduced :—

Rangoon.

—		Official figure.	Indian figure.
Indian percentage of total loss.	{ Muslims	65 41	94 02
	{ Hindus	5 39	5 98
Burman percentage of total loss		26 62	...
Others' percentage of total loss		2 58	...

⁽¹⁾ Japanese, Chinese, Europeans, Indian Christians.

⁽²⁾ These figures do not include those losses for places where there is an official estimate but no Indian estimate. It is fair, therefore, in order to arrive at a grand total of the Indian losses, according to their own estimate, in the Districts to add a further Rs. 1,62,511 to represent the places for which no Indian figures are available. Upon this basis the total of District losses according to the Indian estimate would come to at least Rs. 25,17,290, making the gross total Rs. 56,05,971. But there are no doubt still cases where losses have not been reported at all and are included in neither the official nor the Indian figures. These are impossible to estimate.

The Districts.

—		Official figure.	Indian or Burn an figure.
Indian percentage of total loss.	Muslims	89·71	94·54
	Hindus ...	9 56	5·42
Burman percentage of total loss		·09	·04
Others percentage of total loss		·64	...

In Rangoon among the Indians by far the greatest loss—Rs. 16,65,565 (Indian figures)—was sustained by the Chulias. Next came the Bengali Muslims—Rs. 6,14,724 (Indian figures). Then came the Kakas—Rs. 4,50,881 (Indian figures) and finally Hindustanis ⁽¹⁾—Rs. 1,72,777 (Indian figures). It is safe to say that the great bulk of the loss, whatever the true figure may be, has been by the shopkeeping classes of Muslim Indians, whose shops were the universal object of attack. By far the greatest part of it is made up of stores and stocks destroyed, in comparison with which in all the smaller cases the value of the wooden huts and shops in which they traded was but small.

Finally we feel we ought to say a word upon the great discrepancy between the official and the Indian figures. For the reasons which we have already explained, the official figures cannot, in our opinion, be regarded as anything like complete. Apart from the question of actual value with which we shall deal in a moment, we are inclined to think that the Indian statement of the material destroyed in places in which both they and the officials have provided figures is more likely to be correct. For, we think that there has been a great deal of actual loss which has not come under the official estimate at all. So far as volume therefore, is concerned we think that the Indian statement is probably more complete than the official statement. The more difficult question, however, is the one of value. Where, as in most cases, comparative figures are available, the Indian estimate of loss, in nearly all cases ⁽²⁾, by far exceeds the official one. We cannot close our eyes to the fact that it would be unnatural if there had not been exaggeration in some, if not in most, of the estimates by Indians of their own losses. A man labouring under a sense of grievance is not disinclined to magnify his misfortune. And, those of us who have practised in the Courts, well know that in some cases there must have been dishonest estimates. And in this respect we cannot exclude from our minds the fact that the Indian victims of the riots still harbour the belief that compensation will be paid them ⁽³⁾. But, on the other hand, we think that the tendency of the official estimate may well have been on the whole, to understate the

The discrepancy in value.

⁽¹⁾ These include all the remaining Muslims who are not specifically included elsewhere.

⁽²⁾ Actually in a few places they correspond very closely e.g. Taungdwingyi, Wauema and Kyonmangè.

⁽³⁾ Many witnesses have come before us with the obvious intention only of stating a claim for compensation.

loss. For many reasons we think that the junior police officers whose work it was to compile these figures may have been disinclined to make them appear too large. In the first place, it reflected no great credit on themselves that tremendous losses should be disclosed. Again, we think that, whether during the riots themselves they did the best they could to protect the victims or not, there was not as a rule that sympathy between the junior police officer whose duty it would be to assess claims and the Indian victims which would dispose the former to assist the latter in their claims. In a number of cases, no doubt, an honest and careful estimate has been given. But, on the whole, we are inclined to think that the official figures would prove an underestimate. The truth, we think, lies between the two but beyond that we do not care to go.

We have delivered with our Report all the Schedules of claims in our possession and, should they be required, they will be available for future use.

3. DESTRUCTION AND DESECRATION OF RELIGIOUS EDIFICES AND BUILDINGS.

We have compiled and give as Appendix XII a Schedule under this head of our terms of reference. It has been compiled with care and, in many places, the official reports have had to be added to. In the main, it is a record of attack on Mosques. We have traced 113 in all, which exceeds the official figure by 23. We have included, for this purpose, buildings and schools adjacent to the Mosques themselves within the ambit of "religious buildings". Many of the cases in which these Mosques were attacked, will be found dealt with in detail in our narrative in Parts I and II.

CHAPTER XXI.

Summary of Conclusions and Recommendations.

1. GENERAL CAUSES.

(A) *Conclusions as to Causes.*

(1) The discovery of Maung Shwe Hpi's book was not, in our opinion, the "cause" in any real sense of the riots which began in Rangoon on the 26th of July 1938, spread to the Districts in July and August, continued here and there well into September and finally degenerated into the wave of unrest and contempt of law, order and social discipline which has been apparent since and still endures. While the passages from the book did give offence to those sincere Buddhists who chanced to see or hear of them, they would not, we think, alone have provoked disorder on a serious and extended scale and, still less, would they have provoked the prolonged and fierce attacks throughout the country which Muslims and Zerbadis, and in particular the traders among them, have suffered, in which to some extent other Indians and Indian traders too have shared.

The "book" was not the real cause. Interim Report, page 48.

(2) But, though the discovery of Maung Shwe Hpi's book was not the real cause, it was, viewed in its true perspective, an "immediate cause" or the "occasion" of the outbreak of the rioting in Rangoon itself. It was the "occasion" in the sense that it attracted a fierce and irresponsible publicity in the Burmese Press, designed, less as a vindication of the Religion (which needed none), than as political propaganda to embarrass the subsisting Ministry and to further a political campaign against Indians and other foreigners in Burma. It was an "immediate cause" only in the sense that it formed the motive of the meeting of the 26th of July on the platform of the Shwe Dagon Pagoda in Rangoon, out of which the procession to the bazaar and the subsequent rioting developed. In the Districts, too, it served only as the "occasion", and often the "excuse", for anti-Indian rioting. We are convinced that the real causes lay deeper than the book.

The book was only the occasion and the excuse for rioting. Interim Report, page 48.

(3) An attempt has been made to represent the riots to us as religious riots. But, just as the book was not, in our opinion, the real cause, so the riots were not, we think, religious riots. At the highest, the book gave to them in the beginning a religious odour and an anti-Muslim bias. The real nature of the riots has, we think, tended to be obscured because the "occasion" of the beginning of them in Rangoon had a religious flavour and because *pongys* were generally prominent in them and Indian-Muslims and Zerbadis became the particular objects of attack. But to none of these phenomena can, in our opinion, the real "causes" of the riots be traced. To whatever extent real indignation over Maung Shwe Hpi's book played its part in individual places, it was we think a very minor "cause" in the real sense. And, if further proof of this were needed than the events of July and September themselves afford, we think that the serious unrest in Burma which has prevailed since then, and still continues, affords proof, in ample measure, that the real origin of the disturbances and the real cause of their protraction was, and is, political.

The riots were not religious riots. They were political.

A piece of
political
opportunism.

(4) The riots at bottom were political and communal. Their immediate cause was we think, a complex piece of irresponsible political opportunism which saw in Maung Shwe Hpi's book and in the indignation it was capable of provoking a pretext both deliberately to embarrass the subsisting Ministry which had enjoyed eighteen months of office and to exploit for political ends the social and economic phenomena presented by Burma's large, industrious and useful population of Indian British Subjects.

The Materials employed.

Religious
sentiment.

Chapter VII,
page 7.

(5) Maung Shwe Hpi's book and the pride of Burman Buddhists in their Religion and their race made possible an emotional appeal to their strong religious sentiment. The intemperate and undignified invective of the Burmese Press from the 19th of July onwards shows to what extent this was exploited. Neither the Religion of Buddha nor the Burmese race stood in any jeopardy at all from Maung Shwe Hpi's book and no intelligent and honest person could for a moment have supposed they did. Yet, throughout the country, an hysterical appeal was deliberately made to Burman Buddhists to protect their religion and their race. This abuse to which the book and the deep spiritual instincts of a devout people were put was undoubtedly one of the causes of the first outbreak of rioting in Rangoon and other places and it gave to the riots the anti-Muslim trend they took. But it was not the book that caused the riots, but those who used it.

The new
Nationalism
of Burma.

Interim
Report,
Chapter IV,
page 23.

Interim
Report,
Chapter VI,
page 34.

(6) There were other materials at hand to work upon of which the foremost was the wave of Burman "nationalism" to which the constitutional and political changes of the pre-separation period, culminating in separation itself, had given birth and the Burman's natural pride of race had fostered. This, too, while natural in itself and healthy, but dangerous in abuse, has been exploited to the utmost. Separation of Burma from India in 1922 was made a political issue and since then there has been created not merely an issue of separation between India and Burma, but a dangerous and irrelevant issue of the place of Indians in Burma itself. This was assisted by the Burmese Press and politicians by emotional and ill-advised appeals over a number of years to Burmese "nationalism". And the culmination came when, after separation itself, the Burmese politicians and the Burmese Press found themselves free to pursue the dangerous and intemperate courses of anti-Indian propaganda on which they had embarked already. When the time came the ground had been well prepared in which to plant the seeds of anti-Indian rioting.

The exploita-
tion of the
"Indian
Question".
Interim
Report,
Chapter IV,
page 14

(7) Other phenomena to work upon were obvious but it was easy to ignore their origins and history. Burma became part of British India only for reasons of administrative convenience. But it remained geographically remote and its people different in almost every way from the people of India. By a process, essential and highly beneficial at the time to the quick development of Burma, a large and prosperous Indian population has grown up. This population grew out of a process of necessary labour immigration, commercial enterprise and financial outlay over a period of many years and has now attained in Burma an indefeasible footing as British Subjects within the Empire. This large Indian population, and the problems it presents, have, under the stress

of natural processes and artificial stimulants, lent themselves to political misunderstanding and misrepresentation as a menace to Burma's new found nationalism, to the economic life of Burmans and even to their Religion. And out of this there is the gravest danger of there arising, if it has not already arisen, a communal or racial question within Burma which is dangerous to Indians in the country and may be a danger to Burma's own future. For, it is no ordinary "communal" question of caste or religion, but it is one of race and lies between Burma and India itself.

The scale of Indian immigration into Burma in the past and the comparative experience, ability, industry and thrift, and the relative success, of the Indian financier and immigrant have, under present political influences, tended to obscure in the mind of the Burman the benefits his country has received, and will yet receive, from the Indians in the country and to create a real apprehension lest it may be continued so as to interfere with the prospects of the Burman himself in his own country. These apprehensions have been assisted to some extent by the complete breakdown in Burma, if not the complete abandonment, in the past of the policy of creating a self-supporting population of peasant proprietors of land, helped by legislation and free from the unsettling influences of artificial and fluctuating economic conditions. To these phenomena have been added the unpopularity of the Indian Chettyar, the benefit of whose presence in the country in the past has been forgotten in the financial disasters and misunderstandings of the depression and in the ensuing process which has placed him temporarily in possession of a large part of the agricultural land of Burma. And at least one social problem has emerged, upon which Burmans feel strongly, in the conditions of marriage between their women and Indians and other foreigners in the country ⁽¹⁾.

Indian immigration.

The breakdown of the land policy. Interim Report, Chapter III, page 11.

The "Marriage Question." Interim Report, Chapter V, page 28. Labour agitation. Interim Report, Chapter VI, page 44.

(8) In the beginning of 1938 Burma embarked upon a course of political labour agitation and unrest which itself was a first cousin to the riots which followed. The strikes in the oilfields and at Syriam were we think wholly political and, in common with the riots, sprang from the same subversive political sources and dangerous economic propaganda. They too were politically designed to embarrass a Ministry because it was in power.

(9) To these materials must be added the trade depression which set in during 1929 and its continuance throughout this decade, accompanied by world-wide unrest.

Trade depression.

(10) These were, in brief, the materials that were worked upon and were finally exploded by the exploitation of Maung Shwe Hpi's book. There has, we think, been created a real and dangerous racial problem. We think this problem is far more dangerous than the communal problems of India because it is one involving races of widely differing

A real and dangerous racial problem which must be cured before it is too late.

⁽¹⁾ In our interim report we stated in error that a non-Christian could not apply for a divorce under the Divorce Act. That was the law under the Indian Divorce Act (1869), *vide* section 2. By Act XXX of 1927 this section was amended and now the condition for the Courts jurisdiction to grant relief under the Act extends to a case where the petitioner or respondents profess the Christian faith. To this extent our interim report at page 32 must be amended.

characteristics and is not one of religion or community alone. We desire to make it clear that we think this danger to be a very real and pressing one to remove which, *before it is too late*, no stone should be left unturned. We cannot see in the immediate future of Burma a stability of thought and of conditions, which, if it is left alone, will allow this problem to cure itself. We find a tendency to treat it lightly. But we have satisfied ourselves that, in the minds of most Burmans, there has been created a conviction that their vital interests clash with those of the Indian and other non-Burman races in the country and that there is not room for both. We think, ourselves, that there will always be room in Burma for the Indian and that, if there were not, Burma herself probably would be the loser. But we emphasize the danger which exists, for it lies at the root of the passions which made these riots, of which Indians were the object, possible and, so long as it, and politics, subsist, will make them possible again. We are convinced that most of the present feeling lies in ignorance and misapprehension of which an unscrupulous advantage has been taken. If the evil is to be cured, then it must first be understood. Indians and Burmans must understand each others problems. The phenomenon of the presence of a great Indian community as British Subjects in Burma must necessarily present racial problems to be understood, difficulties to be removed and adjustments to be made, if, and where, they clash. But before these problems can be understood and goodwill restored, the facts will have to be examined and made known. Then only will misunderstanding be removed and then only can policies be framed under which, without injustice to either race, they can live in peace in Burma. We are not sure that at present the facts are known.

The root of the trouble is ignorance and misapprehension.

The Means employed.

Burma's history of toleration.

(11) We have said that the riots were political in character. But they were not spontaneous. We believe that, if not subjected to subversive influences, the Burman well deserves his reputation of generous tolerance, both racial and religious. It is on that account all the more tragic that riots such as those we have inquired into should have occurred. Those who are responsible for creating them and the passions which have made them possible have done a great injustice to Burma's reputation.

The four agencies. Interim Report, Chapter VI, page 33 and Chapter XIX, page 276.
(a) The Burmese Press. Interim Report Chapter VI, page 34.

(12) We think that the four agencies which share between them the burden of having created the underlying or general causes which led to the riots were the Burmese Press, the individual politician, the *Thakin* and its associated and allied groups and that element of *pongys* which has engaged itself in politics :—

(a) The Burmese Press has we think pursued, both in the pre-separation and the post-separation period, a course of dangerous and intemperate political and economic prejudice against the Indian, and in particular against the Indian trading communities of Burma. It arose out of the political campaigns preceding the separation decision and it has been perpetuated since and has, unhappily, become part of the domestic politics of Burma. That portion of the Burmese Press which opposed the Coalition Ministry in office in July 1938 took, we think, deliberate political advantage of the book of Maung Shwe Hpi to

embarrass that Ministry and to arouse the passions of Burmans still more against Muslims in particular and against Indians at large. When the riots broke out, this Press in its attacks upon the police and by the prejudice it displayed, not only withheld its help in moderating the disturbances, but actively encouraged their duration and intensity. And, by every device of irresponsible journalism, this Press has since fought against the authority of the established Government, the civil and police authorities and the re-establishment of peace and orderly conditions.

Chapter VII,
page 7,
and Chapter
X, page 34.

(b) Side by side with the Press, the politicians who were its creatures have made their contributions in the same way to the same ends. We have been struck in our inquiry how both, in the time of rioting itself and in the aftermath it left behind, the influence of the elected representatives of the people to the legislature has in far too many cases been on the side of lawlessness and disorder. It will be difficult to create in Burma that public opinion and sense of civic duty which is essential to her welfare, unless the elected leaders of the people courageously and honestly lead them and unless the people themselves, when opportunity offers, learn to take care to elect only those who will and can direct them wisely.

(b) Theirresponsible politician.

(c) The hand of the *Thakin* Association as such is not to be found in any direct form in the actual instigation of the riots which broke out in Rangoon in July. But, in our opinion, its influence assuredly was strong in creating those conditions which led to them. And its members in most places were in the forefront of the rioters. It has assiduously spread among the people, and particularly among the youth, of Burma a poisonous and anti-social creed of domestic and industrial unrest and individual indiscipline. It has used the workmen, and even the children of the country for this purpose and it has already done infinite harm to both. But this is as nothing to the harm which has been done to the future of Burma by the corruption of its youth. We think that the *Thakin* and its allied Associations have played as great a part as any other influence in the promotion of the causes which led to these riots. And in the period since, the corruption at their hands still goes on.

(c) The *Thakin* and allied Associations. Interim Report, Chapter VI, page 43.

(d) We have dealt, not at great length and we hope justly, with the part played by numbers of *pongys* in the disturbances in Chapter XIX of this Report. They played their part, with others, as "causes" in the sense that the influence of many was used to preach social and economic discontent and political unrest. Those who live in Burma know that reverence for the *Sangha* is part of the Religion itself and is still the strongest influence in a Burman Buddhist's life, whether he be devout or not. Those who do not know Burma may find it difficult to understand the tremendous force of this influence in every aspect and at every stage of a Burman Buddhist's life. For Buddhism itself is less a religion in the Western sense than a rule of life. When the *Sangha* confined its activities and influence to spiritual teaching and to religious and temporal education, it was a profound influence for good. But, in recent years, a great change has spread through Burma and many of the young generation of *pongys* have turned to politics. And the same traditional reverence which they enjoyed as the teachers of religious doctrine and the temporal rules of Buddhist life has made them also in the new régime the greatest political force in Burma. The

(d) The influence of *pongys* as a "cause." Chapter XIX, page 276.

danger is obvious both to Burma and to the Religion itself in Burma. We think the former is widely realized but the latter certainly is not. It is a commonplace of politics in Burma to find every politician supported by "his own" local or particular *pongyis* or Associations of *pongyis*. We find some of them acting as election agents, in substance if not in form. Many *kyaungdaiks* and many *kyaungs* have become centres of political intrigue and even Pagodas ⁽¹⁾ themselves are used as platforms for political meetings and political propaganda. In Chapter XIX we have touched upon the reasons for this degeneration within the *Sangha* and we have pointed out the threat it offers to democracy in Burma. Our narratives of what happened in Rangoon and in the Districts contained in Parts I and II of this Report show clearly the extent to which in almost every place ⁽²⁾ the influence of that element among the *pongyis* which puts political intrigue before religious duty was cast upon the side of unrest and disorder and was used by unscrupulous politicians to foster both. In the aftermath of unrest and indiscipline which the riots have left behind, their influence is just as marked. They cannot be excluded from the "means employed" or from the category of agents of disorder. We cannot too strongly say, as friends of Burma and of her Religion, that the danger to both from the degeneration of the *Sangha* which has set in is great.

Summary.

(13) We sum this up in the ultimate conclusion that the riots were made possible by political and racial passions wantonly created. Maung Shwe Hpi's book was not their real cause. But, by a piece of unscrupulous political opportunism, it was used for political and economic ends to embarrass a particular Ministry and that use led to the release of the passions so created.

Interim
Report,
Chapter VI,
page 38.

(14) (a) We deal with alleged delay in proscribing the book under the head of Civil Action at page 1125. The book wrongly escaped the provisions of the Press and Registration of Books Act, 1867 in 1931 and again in 1936.

The part
played by
M. H. Patail
and Maung
Ba Ba.
Chapter VII,
pages 1—4.

(b) The second edition of the book was financed by Mahomed Hashim Patail, son of Hashim Cassim Patail. The firm of Hashim Cassim Patail of Block C of the Soortee Bara Bazaar and of Merchant Street, Rangoon, had nothing whatever to do with its printing, publication or distribution. The second edition of the book was printed, at Mahomed Hashim Patail's request, by Maung Ba Ba of Taikkyi in the Insein District and distributed by the former. We do not believe that, at the time of the publication of the second edition, Mahomed Hashim Patail was ignorant of its contents and we greatly blame him for what he did. We blame Maung Ba Ba to a lesser extent.

The part
played by
Maung Htin
Baw.
Chapter VII,
page 4.

(c) We greatly blame Maung Htin Baw for his share in the disclosure of the offensive extracts from the book by publishing them as an Appendix to his novel. But we cannot find that he had any motive other than to make use of them as a sensational item to "advertise" his novel.

(1) The Shwe Dagon Pagoda itself is the outstanding example. But it is only one of the innumerable cases that could be found up and down the country.

(2) The notable and remarkable exception is the Tharrawaddy District.

(15) (a) There is no evidence of the truth of the suggestion widely made that the Premier or any of the Ministers of the late Coalition Ministry either instigated, or were privy to, the convening of the meeting on the platform of the Shwe Dagon Pagoda of the 26th of July 1938. It is true that that meeting was convened on the 21st of July by the 'General Council of the Thathana Manaka Young Sanghas' Association. We have described that body in Part I of the Report. The suggestion made to us has been that the Premier, having instigated the meeting, intended to suppress the book at the "instance" of "his own" *pongyis* rather than at the instance of a hostile press. We can find no evidence to support this suggestion and, indeed, we cannot understand what motive the Premier could have had for any such manœuvre.

Suggested
privy of the
Premier and
Ministers to
the meeting.
Chapter X,
page 33
et seq.
Page 33.

(b) Although serious disturbances in fact followed the meeting on the Pagoda platform after the procession from it had gone down Pagoda Road to the Soortee Bara Bazaar, we are satisfied that neither the promoters of the meeting, nor those who attended it, contemplated disorder when it was convened or when the meeting began. The actual procession and disturbance were "spontaneous" in the sense that they arose *unpromptly* out of the individual speeches (1) made and did not form part of the programme of the meeting. What happened at the Pagoda, and the Procession and the affair at the Soortee Bara Bazaar, from which rioting developed, were merely the initial incidents of the rioting in Rangoon and were not themselves in any way causes of the riots as a whole.

No distur-
bance was
intended by
the actual
conveners
of the meet-
ing. Chapter
VIII,
pages 12, 17.

(16) We have had presented to us—

(a) the baton charge by the European Sergeants and the police at the Soortee Bara Bazaar and the injuries received by *pongyis* in it and

(b) the reprisals of the Indians in the centre of the City in which two *pongyis* were injured on the morning of the 28th July

as, in themselves, "causes" of the rioting in Rangoon. They were not. They were mere incidents of the riots and we have dealt with them as such fully in their appropriate places (2). Both provided propaganda for the Burmese Press of which every advantage was taken. The latter provided the occasion for the "flare up" on the morning of the 28th. But they were not, in themselves, "causes." Nor is it true, as we have been told, that in Rangoon the riots of the 26th July had ended and that fresh riots broke out on the 28th for different causes. The riots throughout were one series of riots for which the country had been made ripe, in which these and other matters were mere incidents.

Neither the
baton charge
nor the
injuries to
pongyis were
in themselves
causes.

(17) The operation of the underlying general causes and the general agencies through which they worked spread throughout the country wherever riots took place, though in particular Districts and places their individual effect varied. In our narratives in Parts I and II of this Report we have, where possible, tried to indicate to what

Other sub-
sidiary
general
"causes."

(1) An account of the speeches will be found on page 13.

(2) The Baton Charge, Chapter IX, page 23. The reprisals of Indians on the 28th, Chapter X, page 35.

extent they operated in each. In what we have said or may say of any particular or local "causes" we do not intend to be understood as meaning that these operated, any more than Maung Shwe Hpi's book operated, *in lieu* of the general influences and causes we have found. They constituted the background against which the whole drama took place. But there were other incidents and influences, some general, and some local, which while too vague or too small to be constituted "causes" in themselves, must be noticed to make this picture a complete one :—

Absence of
public
opinion.

(a) Foremost we put the complete absence as yet of any form of healthy public opinion and civic sense in Burma. This phenomenon is to no little extent accounted for we think by the complete and unquestioning surrender in the past of the Buddhist mind to the influence of the *Sangha*, which, so long as the influence worked unselfishly and uniformly for good, made an independent public opinion impossible. But, as we have shown, the time has come when that influence, to some extent, has failed and may fail further yet. And Burma has now become a democracy in which superstition is no substitute for thought and ideals must be enforced by reason. Had there been in Burma a public opinion which had learnt that without law and order no progress can be made and that without a sense of discipline and duty the future of both the nation and the Religion is in danger, there would have been no riots.

(b) In the Districts we found—

Newspapers.

(1) that the almost uniform effect of the arrival of the news and newspapers from Rangoon was to precipitate disorder in those places where rioting occurred. It needed only that encouragement, which the intemperate accounts and photographs of *pongyis* killed and injured and of "deliberate" and "indiscriminate" attacks by police provided, to set in motion the unrest which was already there. The startling uniformity of the process is proof positive of the evil influence of the Press ;

Rumour.

(2) and the other great enemy of tranquillity was "rumour" both that which is always the ugly offspring of popular excitement and that which was deliberately contrived ⁽¹⁾ ;

Maung Shwe
Hpi's Book.

(3) just as we do not wish to underestimate the importance of Maung Shwe Hpi's book in its proper place and in its true perspective as an offence to Buddhists and as the incident and occasion from which the riots began, so we do not want to imply that there were not in places demonstrations leading to rioting which, as in the case of the meeting on the platform of the Shwe Dagon Pagoda, had a genuine protest against the book as their object. That was so in many places and of that there is little to complain. And we must concede that many respectable men and women thought, and still think, that it was the book alone that caused the riots. For the reasons we have explained we do not ;

⁽¹⁾ See Chapter XIX, page 275 *et seq* on the need for an impartial newspaper in Burma.

- (4) and finally we should not wish to underrate the part that sheer hooliganism played. That, in almost every place, the criminal hooligan saw and seized the opportunity to loot which he could not resist, is obvious. His guiding principle was plunder. But, in a sense, everyone who took part in the crimes of violence during the riots, became a hooligan and in seeking for the causes of the riots, it matters little whether they were professional hooligans or not. The truth is that, in common with all others who took part in them, they were the instruments of those influences and agents who, and whose devices, prepared the way for the riots.

(B) *Recommendations as to Causes* ⁽¹⁾.

(1) No recommendations of ours will remove ill-will or prejudice where they exist. Time, experience and the natural growth of an intelligent and well-instructed public opinion, the absence of which we have so deplored in Burma, alone will accomplish that. The general "causes" to which we have drawn attention in our Report as having formed the basis of the riots, do not lend themselves to precise remedies for their removal. But we feel that there are some things that can be done and which, in general language, we can usefully suggest.

(2) We think that a vigorous attempt ought to be made, if necessary and possibly with the co-operation of the Imperial and the Indian Governments, by men of high and undoubted qualifications, and by methods more thorough and more scientific than can possibly have been within our reach, to ascertain whether the economic problems do exist to which the presence in Burma of a great and active population of Indian British Subjects are supposed to have given rise ; and, if so, what they are. It should be made known, upon authority that cannot be impeached, whether and to what extent the legitimate claims and interests of the two races in Burma do, in fact, conflict ; and, if it should be that a conflict does exist, by what policies and means the causes of that conflict may best be removed or lessened without injustice to each community and recognizing the rights of both. We are aware that, within a measurable period, it will be within the power of Burma to direct a policy of her own of immigration from India and elsewhere. But we cannot conceive that any such policy can, with safety or with justice, be framed until the whole field of the economic relations between India and Burma and of Indians and Burmans within Burma and of the vital needs of each has been more adequately studied than, as we believe, it has at present been ⁽²⁾. We think that both Indians and Burmans need urgent public re-assurance—Indians, that their status as British Subjects in Burma will be upheld and that the position which the benefits they have conferred on Burma entitle them to will not be lost, and Burmans, that the economic growth and interests of the

A re-examination of the whole Indian question is due.

⁽¹⁾ There are many trifling matters of detail in which we make suggestions and recommendations in the course of Parts I and II which we do not think worth while reproducing here.

⁽²⁾ We understand that some such inquiry was made in 1934. But, this notwithstanding, we think that, for the reassurance of Burmans and Indians alike, the whole field is ripe for study in the post-separation and democratic atmosphere of today.

Burmese races will not be unnecessarily stifled and overlooked. We can conceive no better way to make a start on that than that there should be at once set up machinery to find out where the conflict, if any, lies and, if none exists, to expose once and for all that there is none.

Restrictions
on undesir-
able immi-
grants.
Interim
Report,
Chapter IV,
page 27.

(3) In the meantime, we think it desirable and right that, as a domestic concern of Burma alone, reasonable legislative provision should be made to enable even natural born British Subjects to be denied entrance to Burma if they are shown, by some criminal or other personal record, to be dangerous or undesirable immigrants and we should recommend such amendments of the law to that end as may make that possible.

(4) We feel entitled to draw attention to section 153A of the Penal Code, which was added by section 5 of the Indian Penal Code Amendment Act, 1898 and is designed to make it a criminal offence maliciously to prosecute enmity between classes. This is a section to which resort might well have been had in more than one case ⁽¹⁾. It is a section of which we think a vigilant and more extensive use might henceforth be made.

Need for
land legisla-
tion. Interim
Report,
Chapter III.

(5) As we have said in our Interim Report, we think that the recommendations of the Land and Agriculture Committee ought to be taken into the urgent consideration of the Government of Burma and such legislation as is necessary to re-establish, as quickly, and as far as is possible with justice to all interests concerned, a progressive and self-supporting Burman peasantry on conditions of agricultural ownership, tenancy or occupation which offer a prospect of contented and sustained livelihood, ought to be passed without delay ⁽²⁾. This will remove one at least, of the legitimate causes of political and domestic discontent.

The Mar-
riage Ques-
tion. Interim
Report,
Chapter
V, page 28.

(6) We recommend the serious attention of the Government of Burma to the "Marriage Question" which we have put forward as a Burman-Indian source of friction in the country. But it requires serious and expert consideration, and legislation, if it is necessary, should not be lightly undertaken.

The need
to establish
and define
once and for
all the rela-
tions of the
pongyis and
the State in
Burma.
Chapter XIX,
page 276.

(7) We feel the vital need in the interests of Burma and of the Religion which is her pride, that the mutual relations of the *Sangha* and the State should at the earliest possible moment be established and declared for the good of each and that their respective spheres should be publicly defined. We can conceive no step than this more pregnant of the national and religious health of Burma. We have in our Report given the reasons why, in our opinion, the *Sangha* has been unable to resist the influences, subversive of its own authority and prestige, which have found their way into the Order. We think that this is a question which at some time must be faced and the earlier it is faced the better. It would again be impossible and improper for us to make detailed proposals. But, as it seems to us, there are two obvious stages. First,

⁽¹⁾ e.g. The speech of U Kumara on the Pagoda Platform on the 26th July.

⁽²⁾ It would be wrong of us to make positive recommendations in these respects, for we have not the knowledge or the qualification to do so.

the constitutional and legal truth must be established and declared that in both its civil and its criminal spheres the Rule of Law is supreme in the State and that the *pongyis* and the *kyaungdaiks* of Burma are, in their civil and criminal relations, as much subordinate to the law as any other subjects of His Majesty. And, secondly, the crying need of Burma and, as we venture to think, of the *Thathana* itself, is that the *Sangha* of Burma should be led, and where possible assisted, to establish and enforce again within itself its own discipline and the rule of its own *Vinaya* and religious doctrine. The lessons of these riots show that it is not possible for the *Sayadaws* of Burma to do this unassisted. The concentrated force of the public opinion of the millions of Buddhists in Burma to whom Buddhism is still the greatest motive force in their lives would accomplish it with ease. We most earnestly recommend to the people of Burma, to the Government to which we are reporting and, with our humble duty, to His Excellency the Governor of Burma himself that the consideration of this question, vital to Burma's future, should be undertaken without loss of time. We hesitate, in a matter such as this, ourselves to go further.

2. THE POLICE ⁽¹⁾.

(A) *Conclusions as to Police.*

(18) Upon a fair consideration of the deficiency of the civil police in strength and training, the deficiency of the military police in strength and the manifold difficulties with which both had to contend, it is right that we should place on record that, as a whole, both behaved loyally and well.

Police as a whole did well. Chapter XVIII, page 254.

(19) If one thing more than another has struck us with reference to the civil police of Burma in the discontent which preceded and engendered these riots, in their handling, and in the attitude of the public towards law and order as disclosed to us during our inquiry, it is the traditional and thorough distrust of the police by the people. This has its poisonous effect in almost every aspect of the domestic life of Burma. It brings the Rule of Law into distrust and contempt, it encourages crime, it breeds social discontent, it wastes public funds and it paralyzes the police themselves. What truth there is in this persistent belief in the corruption of the police we neither know nor, if we did, would it be our duty to discuss it. But it is at present an evil thing in Burma and a blot on its administration. It has had its effect in these riots on the self-confidence of the police themselves, on the support they have received and on their handling of the riots by reason of the difficulties and distrust with which they have been faced. If there is one thing more than another which would make for tranquillity and social progress in the country, it would be that, as a result of a searching inquiry by competent persons, confidence in the police should be established and maintained.

Mistrust of police—*ibid*—page 226.

(20) We regard the safety in life and property of its citizens as the primary obligation of good government in the State. We can see no immediate prospect of such stable conditions of thought and political

Obligation to maintain security—*ibid*—page 225.

⁽¹⁾ We have in these conclusions not dealt with our conclusions as to particular incidents or individual successes or failures of police officers, which will be found fully dealt with in Parts I and II in relation to the places where they occurred.

development as would justify any present relaxation in the forces to maintain security in the country. On the contrary we see an urgent need for their increase.

Police forces were inadequate to give protection—*ibid*—page 257.

(21) We feel it necessary to say that, on the whole, the establishments of police both in Rangoon and in Burma generally proved in the emergency inadequate in numbers, in training, in equipment, in preparedness, and in confidence in themselves to give to the Indians of Rangoon and of the Districts that measure of protection which as British Subjects in Burma they are entitled to receive.

Inexperience of rioting in Burma—*ibid*—page 225.

(22) We think that, speaking quite generally, the roots of the failure of the police in the respects we have enumerated in (21) above are to be found in the inexperience of Burma in meeting civil disorder and the complacency in that respect which, notwithstanding the warning of the Coringhee riots of 1930 and the altered political conditions, has been maintained. We cannot fail to observe that the recommendations made by the Rangoon Riots Inquiry Committee in May 1930 have been uniformly disregarded⁽¹⁾.

The three essentials—*ibid*—page 227.

(23) We regard three things as essential to the efficiency of the police, in all of which, in the experience of these riots, to some extent they failed :—

(a) A clear understanding of the law to be enforced and the duties to be carried out.

(b) The means to carry out those duties.

(c) The confidence to carry out their duties.

General lack of initiative, resource and confidence on the part of police officers senior and junior—*ibid*—page 244.

(24) We think that, as a general criticism of the police throughout the country, they showed a marked unfamiliarity with the law to be enforced and with their rights and duties under it, which led to a general lack of initiative and resource, timidity, lack of confidence in themselves and in those to whom they were responsible and, in some cases, to neglect of duty. Senior officers, we think, on the whole share the burden of this criticism equally with their juniors and with the rank and file. But the major blame lies, not with the individual police officer, but with the system of which they are the servants.

Section 128 of the Criminal Procedure Code is most unsatisfactory—*ibid*—pages 228—231.

(25) The law itself is, in part, to blame. We regard as very serious, both to the public and the police themselves, the state of affairs in which, in existing conditions, the power lawfully to disperse "unlawful assemblies" by force conferred by section 128 of the Criminal Procedure Code is paralyzed by the provision which requires an order of a Magistrate or of a Police Station Officer. In the experience of these riots, it has been proved that confident resort to section 128 of the Criminal Procedure Code is necessary to public safety, for, in nearly every case, the riots took the form of mischief by such bodies. It has been proved time and again that small police parties under Sub-Inspectors were faced with unlawful assemblies which they

⁽¹⁾ See paragraph 21, page 12 of the Report of the Rangoon Riots Inquiry Committee, dated the 26th July 1930. It is a coincidence that those recommendations were made on the very day on which eight years later the fresh riots broke out.

could not lawfully disperse except under those highly precarious sections of the Penal Code which deal with defence of the person and of property. This is a condition which is not fair to the public or the police themselves.

(26) We have formed the view that, apart from deficiencies in the law itself, police officers (both senior and junior) do not adequately understand it and have, so far as civil disturbance is concerned, in most cases no adequate familiarity with their rights and duties in relation to unlawful assemblies and the protection of life and property. We are told that all this is included in their training. If so, that is well. But their knowledge requires constant practice and refreshment, which in the past it has not received.

Police officers on the whole did not know their rights and duties—*ibid*—page 231.

(27) We regard paragraphs 70 and 71 of the Police Manual as shocking. In our view, they are carelessly compiled, have but little relation to realities as experienced in these riots and are positively misleading.

The Police Manual defective—*ibid*—page 232, *et seq.*

(28) The result of this defective training and practice, lack of experience and inadequate instruction was manifest in the indecision with which rioting crowds were sometimes handled, followed about aimlessly from place to place and, on occasion, even surrendered to, and also in the want of initiative in protecting individual life and property. There was, in short, we think a general lack of confidence by the police in themselves and in their powers and this in some senior officers resulted in too ready reference to Rangoon for orders and in a general diffidence, instead of a disposition to carry out the law with confidence. We think, too, that to some extent this distrust of themselves has been mistaken by such officers themselves for lack of confidence in those to whom they are responsible. We have found too ready a tendency on the whole to look for "support" before it is required.

Results of the defective training and instruction.

—*ibid*—page 236.

(29) While we recognize that it may be a practical impossibility for the State to equip itself with a force of civil police capable of dealing with every emergency of whatever magnitude, we take the view that it is a normal function of a civil police force to be prepared to deal on its own with moderate civil disturbance when it arises, rather than that, on any and every occasion when a riot breaks out, the force used to suppress it should, by the immediate use of military police or soldiers, be quasi-military or military in character. And we think that this principle is itself the best insurance that civil disturbance will not occur. If this be a true view, we think that both the establishment of the City Police in Rangoon and of the District Civil Police elsewhere is in numbers and equipment, incapable of active and effective use and does not fulfil its proper function as now constituted.

Strength of civil police, Chapter XVIII, page 237, *et seq.*

(30) We think, from what we have heard, that both the City Police and the District Civil Police are really inadequate in numbers for the performance of their peace time duties of the regular and efficient prevention and detection of crime. And we are satisfied that in

—*ibid*—page 237, *et seq.*

Rangoon the City Police and in most, if not in all, of the Districts and Towns outside Rangoon the establishment and equipment of the civil police are inadequate alone to secure reasonable public safety should serious civil disturbance occur or, as regards training and equipment, to be a useful and effective force even in conjunction with the military police and military forces of the country.

Strength of
Military
Police.—
ibid—page
237 *et seq.*

(31) We go further and express the view that even the establishment of military police in Burma is dangerously low and ought, in present conditions, if public security is to be assured, to be increased. Had it happened that the height of the disturbances in Rangoon had coincided with an outbreak of disturbance in the country generally or even in those places, such as Syriam, Toungoo and Pegu, from which reinforcements of military or civil police had to be drawn, we think that the position in Rangoon would have been precarious in the extreme. We think that there ought to be maintained in Rangoon a force of civil and military police which together are capable of dealing, without resort to reinforcements from other places, with any disturbance which, in the light of the experience of these riots, it can be deemed reasonably possible may occur.

Ineffective
use of Civil
Police in
Rangoon.
Chapter X,
page 37.

(32) We have been profoundly shocked by the ineffectiveness of even the existing establishment of City Police in Rangoon in the critical days between the 28th and 30th of July inclusive and we regard as wasteful, unsafe and wrong the maintenance of a City Police force which should be obliged, as were the City Police, at a time when it was most needed, to acknowledge its own impotence by being virtually withdrawn from the streets and places where it was most wanted. We think that this circumstance accounted for a great volume of unnecessary loss of life, injury and destruction of property in the side streets and outlying settlements of Rangoon. And in the Districts the same phenomenon was to some extent to be observed.

Deficiencies
in equipment
of Civil
Police.
Chapter
XVIII,
page 246.

(33) In order to render the Rangoon City Police and the District Police an efficient force to deal with rioting either on their own or in conjunction with the military police and other military forces, they ought to be equipped with a sufficiency of firearms of an appropriate kind and such other weapons as experience shows to be useful. At present they are not. The Commissioner of City Police has made representations to this effect which we endorse. In the Districts also the same policy should be pursued. Though it must be a matter for experiment, we are ourselves inclined to favour the short shot gun as the most effective as well as the most humane, weapon with which to equip the civil police instead of the present inefficient musket.

Unprepared-
ness for riot-
ing—*ibid*—
page 247.

(34) We have been greatly struck by the unpreparedness in other ways as well of the police forces to meet the rioting that occurred. Out of the three "Riot" or "Security" Schemes, which were the only ones in existence in the whole of Burma, two failed dismally while the other was not tested. With the exception of these schemes no provision had, we think, been made for the possibility of rioting and

of civil disturbance in the towns and villages of Burma. We think that this was very wrong indeed and that it ought to be remedied without loss of time.

(35) We think that the same vice of unpreparedness was manifest both in Rangoon and in the Districts in the use—or lack of it—made of the provisions of the relevant Acts in respect of special police. In Rangoon no real attempt was made by the Commissioner of Police to use his powers in this respect and we do not approve of his having surrendered in the way he did to a Minister or to a Minister's Secretary the powers the Act had vested in him personally in this respect. In the Districts better, but still insufficient, use was made of the appropriate powers. But, on the whole, the failure was that no *previous* preparation had been attempted to be made for the enrolment of Special Police should an emergency occur. We observe that this too formed part of the criticism of the 1930 Riots Committee. But no heed seems to have been paid to it. We are now told that both the Commissioner of City Police for Rangoon and the Inspector-General of Police for the Districts have submitted Schemes in this respect, the latter one for the raising of a force of some four thousand men in any future emergency. In the present conditions in the Country we regard this step *as urgent*. We point out, however, that, in our opinion, certain amendments of the law will first be necessary.

Special Po-
lice—*ibid*—
page 251.

—*ibid*—page
253.

Charges against the Police.

(36) The charges made to us against the police have in the main fallen into well defined categories which we can summarize—

The categories of charges brought against the police.

- (a) that they resorted to firing unnecessarily and fired on innocent persons ;
- (b) that they refrained from firing too long and should have fired earlier and more frequently than they did ;
- (c) that they arrested innocent people " indiscriminately " ;
- (d) that as a whole the civil police did not sufficiently protect the Indian victims of the riots ;
- (e) that in many individual cases they stood by while looting, murder and assault took place without any attempt to intervene ;
- (f) that in some individual cases they even encouraged and took part in these crimes ; and
- (g) that they victimized those who needed their protection by demanding money as its price.

The charge
of excessive
firing.

(37) We have examined judicially and with the utmost care ⁽¹⁾ twenty-seven individual cases, in which the civil or the military police or both fired, in most of which positive representations had been made to us that they constituted "excesses" by the police. They include all the cases in which complaints were made to us ⁽²⁾. Each of these cases is dealt with fully in its appropriate place in the preceding pages of this Report.

In only *three* of these cases are we not satisfied of the legality and the moderation of the firing. That is the answer to the first charge made against the police.

Charge that
the police
did not fire
frequently or
soon enough.

(38) The second charge is the converse of the first—that the police should have fired earlier and more frequently than they did. There is more general truth in this charge than the former. We think that, on the whole, the police did refrain too long from using their firearms and that, had they, in some cases, used them earlier *there would have been less bloodshed*. That they did not use them earlier was due to the same vices as we have pointed out before—lack of knowledge, lack of training and lack of confidence. We are convinced that, in the experience of these riots, an early resort to a single shot or two nearly always saved lives, limbs and property. In Rangoon itself, we think that, had shots been fired upon the unlawful assemblies in the town on the 28th of July, a great deal of subsequent slaughter and injury would have been saved. We think, then, that this charge has substance.

Charge of
"indiscrimi-
nate
arrests."

(39) We have examined many of these cases and those of the Myaungmya District and of Mandalay in particular. There is no general truth in this charge and there is no truth in any of the charges in this respect

-
- (1) Yandoon. The shooting at the Bengali Mosque, page 73.
 - (2) Yandoon. The shooting at Strand Road, page 73.
 - (3) Yandoon. The second shooting at Strand Road, page 74.
 - (4) Myanaung. The shooting at Fateally's house, page 82.
 - (5) Myanaung. The shooting at the Yingwe Zayat, page 82.
 - (6) Paungde. The shooting in the Bazaar, page 93.
 - (7) Paungde. The shooting at the Hinthagon quarter, page 94.
 - (8) Paungde. The shooting in the Hmattaing Road, page 88.
 - (9) Taungdwingyi. The Taungdwingyi shooting, page 101.
 - (10) Yenangyaung. The shooting at Lethmalkon Bazaar, page 121.
 - (11) Yenangyaung. The shooting at Yenangyaung Bazaar, page 122.
 - (12) Yenangyaung. The shooting in Obo Quarter, page 124.
 - (13) Yenangyaung. The shooting at the B.O.C. School, page 126.
 - (14) Pakôkku. The shooting at a boy, page 135.
 - (15) Pakôkku. Further shooting, page 135.
 - (16) Shwebo. The Shwebo shooting, page 145.
 - (17) Kabo. The Kabo case, page 154.
 - (18) Othegon. The Othegon shooting, page 200.
 - (19) Okpo. The shooting at the bridge, page 202.
 - (20) Nattalin. The Nattalin shooting, page 205.
 - (21) Toungoo. The shooting at the Pagoda, page 210.
 - (22) Mandalay. The Saingdan shooting, page 167.
 - (23) Mandalay. The Ywahaing Bazaar shooting, page 168.
 - (24) Mandalay. The Amarapura shooting, page 176.
 - (25) Mandalay. The U-boklaw shooting, page 171.
 - (26) Mandalay. The Ayo-o-gale shooting, page 172.
 - (27) Mandalay. The Thayeze shooting, page 173.

⁽²⁾ But there is one case (The 52nd Street shooting) which is referred to in an addendum to this Report having been raised at the last minute.

of which particular complaint has been made to us. These will be found dealt with in full in Part II of this Report. We desire, in view of the controversy which was raised before us, to say, in particular, that we do not think that the arrests in the Myaungmya District were "indiscriminate". On the other hand, there as elsewhere, we think they saved the situation.

(40) The next charge is that the civil police did not sufficiently protect the victims of the riots. We think that this charge *in general* is true. We think that for the reasons of insufficient strength of numbers, lack of equipment, lack of training, lack of a sufficiency of officers to lead them and lack of confidence and initiative they did fail as a force to give that protection to the victims of the riots to which they were entitled. And in Rangoon in particular was that so, for, during the critical days, they were admittedly an impotent and useless force.

General charge of failure to protect victims.

(41) The next two charges are that in individual cases, the civil police stood by with complacent ineffectiveness while looting, murder and assault took place. In our narratives in Parts I and II of this Report many allegations of this will be found and we have collected evidence of numerous other cases which have been alleged to us. It has been beyond our power to investigate them in detail. But we have preserved a record of them in Appendix XIII for use if necessary. In our opinion, as a general charge, this fails. But that in individual cases such things did occur we believe. Much of this evidence has we think mistaken sheer impotence and genuine inability to help for indifference, prejudice or lack of courage. And we do not doubt that this has been assisted by the point of view from which a victim of the riots regards his misfortunes. But, having said that, it seems to us that the cases alleged to us are too numerous and that the evidence was given in circumstances which provide no such obvious reason for untruth, for us to be able to disbelieve them all. Indeed we know that some are true ⁽¹⁾.

The charge of individual police indifference and connivance. Chapter XVIII, page 257 *et seq.*

(42) As to the charge made in many cases that police have demanded money as the price of protection, we cannot help feeling that this too may have a sub-stratum of truth. But it is fair to add that in the case we have had investigated ⁽²⁾ it proved untrue. We have prepared in Appendix XV a schedule of these allegations.

Charge of victimization by the police, —*ibid*—page 260.

The Events of the 26th of July in Rangoon.

(43) We think it right to mention the failure which, in our opinion, occurred on the part of the Commissioner of City Police to make provision on the 26th of July, in all the circumstances which were known to him, for the possible, if not the probable consequences of the meeting on the platform of the Shwe Dagon Pagoda. For the reasons which we have fully expressed in Chapter VIII of this Report, we think that this was a failure. But, in fairness, we point out, first, that there is no certainty that, even if he had done more than he did,

The failure to provide for the Pagoda Meeting. Chapter VIII, page 18.

⁽¹⁾ There is a proved case at Kamayut and another at Mandalay (*see* page 183). There were others still under investigation at the time of our inquiry.

⁽²⁾ At Pegu.

the rioting in Rangoon on the evening of that day would have been avoided and, secondly, that we do not think he was well served by the Criminal Investigation Department.

The Baton
Charge at
the Soortee
Bara Bazaar.
Chapter IX,
page 23.

(44) We think it right also specifically to mention that in our judgment the police charge with their batons at the Soortee Bara Bazaar in the evening of the 26th July was, in all respects, necessary and justified and properly conducted and there is no evidence at all to support a charge of brutality by the Sergeants or the police or by any individuals among them nor of discrimination against *pongys*. We think the police acted with great restraint on this occasion and also later on the same day at the Thayettaw *Kyaungdaik*.

The Criminal Investigation Department.

The failure
of the Crimi-
nal Investi-
gation
Department.
Chapter
XVIII, page
260 *et seq.*

(45) We think that this Department, on the whole, failed in the days before the riots to do what was to be expected of it. It failed, in common, we think, with the Commissioner of Police himself and with the Home Minister, to appreciate in full how serious things were becoming from the 19th of July onwards and the highly charged atmosphere for some time past in the country at large. If these things were realized, then it failed we think, through a too rigid system, to impress the true position on the Minister and the responsible officers of police concerned. It also, in our opinion, failed to give sufficient or timely warning to officers in the Districts of what they might expect. We think the failure was as much a failure of the organization of the Department as any individual failure. We think that this Department is over-centralized and that the time is ripe for its complete overhaul, together with the intelligence system of the country.

(B) Recommendations as to Police.⁽¹⁾

Conclusion
(18).

(8) As a measure calculated in our opinion to go far to reassure public opinion and to promote tranquillity and to prevent discontent, we urge that, at no distant date, a complete examination by a really competent Commission should be undertaken of the organization and practice of the civil police of Burma with a view, if possible, to removing causes of distrust and suspicion and establishing confidence and trust in the civil police.

Conclusions
(21), (22),
(23), (26),
(28), (29),
(30), (32)
and (33).

(9) We urge an overhaul of the City Police of Rangoon and of the District Civil Police in the questions of (a) their strength in numbers of the rank and file (b) their adequacy in the establishment of officers,

⁽¹⁾ We do not overlook that our terms of reference require us to make recommendations only "for the prevention of similar communal or religious disturbances." In dealing with police and civil measures and actions it has been impossible to avoid reaching "conclusions" as to strength, equipment, training, etc., of police which accounted for such failures as there were. In making recommendations, therefore, under this head we have put a somewhat broad construction on the word "prevention" as including (as we believe was the intention) not merely the means by which similar disturbances may be avoided but also the means by which their consequences, if they should occur, may be avoided or lessened, in the manner in which they are dealt with.

particularly of the Inspector and the Sub-Inspector grades (c) their adequacy of training for civil disturbance in all ranks and (d) their adequacy of equipment.

(10) We recommend the principle of making the City Police of Rangoon as far as is reasonably possible, a *self-sufficient* force, which, with the assistance of the normal establishment of military police as capable of being reinforced by established reserves, may be capable either of dealing by itself with all ordinary civil disturbance or rioting or may be a really effective force in the case of serious rioting in conjunction with the military police and military. We condemn as dangerous and wasteful the principles (a) of maintaining forces of civil police which in serious disturbances are ineffective or useless through want of numbers, training and equipment (b) of relying in Rangoon in an emergency upon reinforcements drawn from other establishments (other than established reserves) which may be ill able to spare them and (c) of the necessity for resort to military police and military aid in every emergency however slight. We recommend the same principles in the Districts. We strongly endorse the principle of the claims ⁽¹⁾ of the Commissioner of City Police and of the Inspector-General of Police put forward for increases in their respective establishments, though we do not venture to deal in detail with their figures. We think that the establishments are *dangerously* low in present conditions. And in any calculation to be made in respect of the City Police, we think the principle should not be lost sight of that a City of the size and character of Rangoon ought not, as was the case on the 26th of July, ever to be at any moment without an available reserve of men that can be called out for duty at a moment's notice. We regard these measures not merely as a means of meeting, but as a means of preventing, the outbreak of civil disturbance.

Conclusions
(29), (30), (31)
and (32).

Chapter IX,
page 23.

(11) We recommend a serious attempt to overhaul the system of training of all ranks of the civil police to ensure that adequate attention is paid to their understanding of their rights and duties in rioting and the establishment in them in these matters of confidence in themselves. And we think that this ought to be constantly refreshed as part of the normal routine of every policeman's service.

Conclusion
(28).

(12) We recommend the instant and *careful* overhaul of paragraphs 70 and 71 of the Police Manual.

Conclusion
(27).

(13) We strongly recommend the preparation and issue at a time of rioting to every police officer of the rank of Head Constable or above⁽²⁾ of a Card of Instruction on the lines of that which is issued ⁽³⁾ to officers of the Army acting in aid of the Civil Power.

Chapter
XVIII, page
246.

(14) We advocate the urgent preparation and issue of a small and accurate "Civil Disturbance Manual" for the use of both Police and Civil Officers. We think that, properly compiled, it could be of the greatest service particularly to officers of the Deputy Superintendent of Police and the Subdivisional Officer type.

Chapter
XVIII, page
245.

⁽¹⁾ Chapter XVIII, page 239 *et seq.*

⁽²⁾ It should be considered whether every constable as well ought not to be equipped with one.

⁽³⁾ Indian Army Form D. 908.

Conclusion
(25).

(15) We strongly urge an immediate amendment of section 128 of the Criminal Procedure Code so as to make it possible for a Sub-Inspector of Police lawfully to order the dispersal by force of an unlawful assembly under that section. The section as at present framed is paralyzing in the conditions which obtain in Burma.

Conclusion
(33).

(16) We think that the question of the equipment of the City Police of Rangoon and of the District Civil Police should be overhauled. We recommend the principle of the provision of firearms of an appropriate character for not less than 75 per cent of the force. We incline to recommend the short shot gun as a more suitable and more humane weapon than the musket. We endorse the representations already made in this respect by the Commissioner of City Police and the Inspector-General of Police.

Conclusion
(34) and
Chapter
XVIII,
page 247
et seq.

(17) We condemn the lack of preparation for the outbreak of civil disturbance which was a startling feature of the cities, towns and villages of Burma in July 1938. We recommend the immediate preparation of new security schemes for Rangoon and Mandalay and the preparation of similar schemes, in varying degrees of simplicity according to the place provided for, for the forestalling, and, if not forestalled, the handling, of rioting in all the towns of Burma. We have already indicated the lines on which, in our view, these should proceed. And they must, when prepared, be assiduously but unobtrusively taught and practised.

Conclusion
(35) and
Chapter
XVIII,
page 251,
et seq.

(18) We recommend that such amendments as may be necessary should at once be made to the Rangoon Police Act and the Police Act, 1861, to enable a force of Special Police to be enrolled in Rangoon and the Districts in readiness for emergency. And we recommend that immediate steps be taken to organize such forces. We have already indicated the principles which ought, in our opinion, to be borne in mind in doing this.

Conclusions
(40), (41) and
(42).

(19) We are aware of the vagueness of the many charges made before us of police indifference, cowardice, prejudice, participation in rioting and looting and victimization of sufferers in affording them protection and we appreciate the difficulty of investigating them in full at this distance of time. We do not believe by any means that they are all false. And, for the credit of the police themselves, we hope that some further measures may be possible to test their truth.

Conclusion
(45),
Chapter
XVIII,
page 260
et seq.

(20) We recommend a complete overhaul of the relations between the Criminal Investigation Department and (a) the Home Department of Government, (b) the Commissioner of City Police, (c) the Inspector-General of Police and (d) responsible District Officers, with a view to eliminating any mistrust that may at present exist and bringing them into much closer contact than they are at present. We think that the Criminal Investigation Department is, as at present constituted, too rigid, isolated, slow and self-centred to perform its task with full efficiency. We recommend that it be considered whether it is not desirable, as we ourselves are inclined to think it is, that there should be established at Mandalay, and possibly elsewhere too, a branch or branches of this Department and possibly also that there should be attached to District Police establishments a number of officers who have been trained in criminal and political intelligence work.

3. CIVIL ACTION AND ALLIED MATTERS.

(A) *Conclusions as to Civil and Allied Matters.*

(46) We have observed what strikes us as a tendency on the part of Government to repose too little confidence in the judgment of senior and experienced officers in the Districts relating to matters within their charges⁽¹⁾ and we have observed the same disposition in civil officers which we have already noticed in police⁽²⁾ officers, to cover themselves by references to Rangoon or to their seniors and to complain of lack of support before support has been denied them.

General observation.
Chapter XIX,
page 263.

(47) It is, perhaps, a counsel of perfection, but we attach no little importance to the postings of officers in order to avoid the possible combination of weak police officers with weak civil officers. In the two cases of outstanding failure⁽³⁾ this was a major contributory cause.

—*ibid*—
page 265.

(48) On the whole, we have found that the "peace" efforts made by civil officers were satisfactory. We think that this branch of a civil officer's technique would repay careful study and suggestions for the best methods to be employed, both to prevent a clash when one is threatened and to cure it when one has taken place, might well find a place in the Civil Disturbance Manual we have already suggested⁽⁴⁾.

Peace efforts.
—*ibid*—
page 265.

(49) The degree of assistance given by the elders was not uniform. In some places it was enthusiastically given. In others it was not.

Elders—*ibid*
page 265.

(50) The Muslims of Burma everywhere did everything in their power to dissociate themselves from Maung Shwe Hpi's book.

Muslim
apologies—
ibid—
page 265.

(51) We observe in civil officers the same unfamiliarity with riot conditions, and their treatment, as we have observed in the case of the police. We think that it is of importance, particularly in present conditions, that this aspect of a civil officer's duties should be studied, especially in respect of Magistrates who, as a class, have an important part to play in the suppression of civil disturbance. We think that co-operation between police officers and civil officers, which in one or two instances was lacking in these riots, should be encouraged and its importance emphasized⁽⁵⁾. And particularly is this so where, in a comparatively small Subdivisional Headquarters, a Subdivisional Officer and a Deputy Superintendent of Police must inevitably find themselves in close association.

Inexperience
of rioting
—*ibid*—
page 266 *et seq.*

(52) We think that the experience of these riots has exposed some serious deficiencies in the knowledge of junior, and even senior, civil officers of the law. The outstanding example is the vagueness which exists as to the use of section 144 of the Criminal Procedure Code and

Unfamiliarity
with rights
and powers—
ibid—
page 266
et seq.

⁽¹⁾ A case in point is the withdrawal of the application of the Criminal Law Amendment Act in Mandalay to deal with illegal picketing. See page 187.

⁽²⁾ See page 232.

⁽³⁾ Wakema and Taungdwingyi.

⁽⁴⁾ See page 245.

⁽⁵⁾ There seems in some places to have been some uncertainty as between the senior civil and the senior police officer on the spot, as to which of them was in authority and what were their respective duties. This should be cleared up.

the consequences of its disobedience. Here again would be felt the benefit of some small Civil Disturbance Manual to which a junior civil officer could turn in an emergency and find at a glance what his powers are, what steps it is open to him to take and how to set about it.

Section 144
of the
Criminal
Procedure
Code—*ibid*—
page 267
et seq.

(53) In any case, we think that some authoritative pronouncement should be made as to the meaning and effect of an Order under section 144 of the Criminal Procedure Code and of its disobedience. It is not right that any doubt should continue to exist. And, in this connection, we point out the confusion which exists in the public mind as to the powers of local civil and police authorities, particularly as regards the right to order shooting. This, too, should be made clear to the public. We have met and commented upon many cases in which unlawful assemblies laboured under the delusion that it required an Order of the the "Local Government" to disperse them by force.

The Kabo
shooting case

(54) We have dealt fully with one instance ⁽¹⁾ in which a senior civil officer himself had no clear or correct idea of what disobedience of an Order under section 144 entailed and issued orders which were, in our opinion, dangerously wrong. But we do not think that he was alone in his misconception.

Withdrawal
of riot
charges—
ibid—page
269 *et seq.*

(55) We have ventured to express our views upon the withdrawal of riot charges. Out of an aggregate of 4,306 men charged we find that only 1,798 ⁽²⁾ were fully tried and that of these 900 were convicted and 898 discharged.

Effect of
leniency.

(56) On the policy of leniency itself we have only this to say, that, in our view, following the experience of the Coringhee riots, it has in this case led to an impression that the State is unable or unwilling to punish crimes, even crimes of violence, which arise in rioting if the rioting is on a sufficient scale. That is a dangerous doctrine. To that extent, we think that an already diminishing respect for law and order has been further lessened in general in the country.

Too many
cases in
which the
law did not
take its
course.

(57) We recognize the difficulty of investigating and prosecuting to an end every case in which the law was broken and we sympathize with the view that where the punishment to follow a conviction might well be less than the time spent in custody before that conviction is obtained, common sense dictates that the law and the accused should cry quits. But we think that, in these riots, there were too many cases of a serious character, involving acts of violence, in which the law did not take its course.

Instructions
given by
Government.

(58) We cannot say that the instructions given to District Officers by the Home Department of the Government of Burma were, in themselves, in any way objectionable or irregular, though they did, as we think, indicate to Public Prosecutors through Deputy Commissioners that a policy of leniency was favoured by the Government. We think, however, that in some places, of which the Myaungmya District ⁽³⁾ is a

⁽¹⁾ Part II, page 145.

⁽²⁾ This figure does not include 41 persons whose cases were still under trial at the date of our enquiries.

⁽³⁾ See page 63.

notable example, they were received by Deputy Commissioners and Public Prosecutors as definite instructions for the withdrawal of almost every case. Technically it is difficult to say that such instructions were constitutionally improper⁽¹⁾ but as a matter of policy their wisdom may be doubted. We think it would have been better had instructions been issued that the law must take its course wherever possible but that there were certain considerations which might legitimately be borne in mind. Had leniency then been desirable, it would, we think, have been more safely applied by an executive amnesty with which the machinery of the law could not be confused.

(59) We ought to say in this regard that we recognize that in many cases the Indians who alone could give the evidence required were too frightened to adduce it and that this circumstance accounted for many cases which could not be proceeded with.

Difficulties
in obtaining
evidence.

(60) A subsidiary result of the volume of cases which were withdrawn has been to encourage the belief that the corresponding arrests were not justified and to deprive the police of their best answer to that charge. We have examined as many cases as we can and have formed the view that there is no general truth at all in this charge, though it is inevitable that in the general confusion that existed such cases must to some extent have occurred.

Effect in
charges of
illegal
arrest.

(61) We think that any form of direct or indirect individual interest by any Minister in the disposal of any case or cases in which persons had been arrested in circumstances arising out of rioting or any communication relating to such cases, direct or indirect, between any such Minister or any member of his staff and any District Magistrate within whose jurisdiction that disposal lay, was most unfortunate, unfair to the District Magistrate concerned and in general to be deprecated.

Ministerial
intervention.
Chapter
XIX,
page 271.
Chapter XII,
page 96.

(62) We think that there were too many failures among the *thugys* of the towns and villages of Burma to range themselves upon the side of law and order and to use their influence to stop disorder and to protect the victims of the riots. And in some cases, we have received evidence of their having joined the rioters and hooligans. We have in Appendix XIV prepared a list of such complaints as have been made to us. But we think that there are others of which we have not heard.

Thugys.
Chapter XIX,
page 272

(63) We have dwelt at considerable length in this report upon the influence of the Burmese Press. We sum it up by saying that, in our view, it has been one of the chief agents, if not the chief agent, in creating that unrest which led to the riots into which we have inquired, in making use of the resentment which Maung Shwe Hpi's book raised for political purposes and in fostering for political ends the confusion the riots have left behind them.

The Press.
Interim
Report,
Chapter VI
(1), page 34,
Chapter VII,
page 7,
et seq.
Chapter XIX
page 273.

(64) We think that this Press has in the past two years, and possibly before, enjoyed a licence beyond its deserts. What is, or is not, permissible in a newspaper under section 4 (1) of the Press (Emergency Powers) Act, 1931, is, in any particular case, for the legal advisers of

Laxity under
the Press
(Emergency
Powers)
Act, 1931.

⁽¹⁾ See section 494 of the Criminal Procedure Code.

Government and ultimately the Courts to say⁽¹⁾. But we venture to say that we have read many things in these newspapers which strike us as falling within that section. We think that there may have been in the past, and be still, some laxity in the vigilance of the appropriate officers of Government under this Act.

Laxity under the Press and Registration of Books Act, 1867. Section 9, Interim Report. Chapter VI, page 39.

(65) We think that, as the escape of Maung Shwe Hpi's book in 1931 and again in 1936 and the almost complete absence of prosecutions under the Press and Registration of Books Act, 1867 (as amended) shows⁽²⁾, there has been, and is, no little laxity in the vigilance of Government over the output of newspapers and other literature in the country. We think, too, that the provisions of this Act are out of date and require amendment in the respects, at any rate, to which our subsequent recommendations extend. And we think also that the system under which the Director of Public Instruction is charged with the scrutiny of books, while by devious channels copies of newspapers at length reach the Criminal Investigation Department through the District Magistrate, is not ideal. We think, upon the evidence we have, that there is a great deal of improper and subversive matter both in newspaper and in book form which either has escaped the net or has too tardily been brought to official notice⁽³⁾.

Ought the book to have been proscribed earlier? Chapter VIII, page 21.

(66) We have given our earnest consideration as to whether there was laxity in the proscription of Maung Shwe Hpi's book. We think there was. But we desire to make quite clear in what sense we mean this. We think first that, had the provisions of the law and the instructions given under it been observed, the book would, or ought to, have been proscribed in 1931 and again in 1936. Again, in 1938, had the Criminal Investigation Department been as alert as it ought to have been, we think that, when the book was first mentioned in the Press on the 19th of July, no stone should have been left unturned, in the atmosphere that prevailed, to get hold of it, to ascertain its contents without worrying about a formal translation and to bring it, as an urgent matter, to the personal attention of the Minister. Instead of that, matters followed the leisurely course dictated by routine. A little more imagination was needed in all departments. We think the Minister was ill served in this respect. He has told us, and we accept it, that the Editor of the *Headman's Gazette* had also failed to furnish copies of the newspapers for a week before the 25th of July. But some warning had reached him through U Nageinda's letter⁽⁴⁾ on the 23rd of July. We cannot wholly acquit the Minister of having himself also underestimated the seriousness of the position so far as he was aware of it. But the moment it was brought home to him that the matter really was serious, he lost no time in taking the step of proscribing the book on the 26th of July. We think, therefore, that the book should have been proscribed earlier but that the real fault lay with the Criminal Investigation Department rather than with the Minister personally.

⁽¹⁾ An interesting and recent case is to be found in the December (1938) number of the Calcutta Law Reports.

⁽²⁾ Interim Report, page 40.

⁽³⁾ We have been told that the Home Minister has to rely upon the Editor of the *Headman's Gazette* for cuttings and translations of the Vernacular Press. In the week before the 26th July, this source failed him. It goes to show how unsatisfactory the whole system is.

⁽⁴⁾ See page 9.

We desire to add that, in our opinion, if the book had been proscribed earlier we do not think the riots would have been thereby prevented. This matter has, we think, in truth been urged before us rather to excuse the rioting than to explain it.

(67) We have mentioned *pongyis* as one of the agencies used to preach disorder and we have referred to the danger to the peace and future growth of Burma and to the Religion itself. Much of what we have said applies to the *kyaungdaiks* in which they live. We regard it as equally urgent that it should be established in the public mind, once and for all, that, subject to the observance, wherever possible consistently with efficiency and duty, of due respect for Holy Places, the civil law must, where public safety so requires, be enforced in respect of *kyaungdaiks* and that they do not stand outside the right of search. In the specific case⁽¹⁾ which we have investigated in full there was, in our opinion, nothing which could cause resentment to a sincere Buddhist either in the search itself or in the way in which it was conducted. We add that we think that a feeling has grown up, to the danger of society, that *kyaungdaiks* are immune from search. We fail, ourselves, to understand why the Thayettaw *Kyaungdaik* and other *kyaungdaiks* in Rangoon escaped, for there was, we think, a great deal of evidence not merely to justify, but to compel, that course in the interests of public safety and of the Rule of Law.

Kyaungdaiks.
Chapter XIX,
page 278.

(B) *Recommendations as to Civil and Allied Matters.*

(21) We recommend that attention be paid to the training of civil officers in their rights and powers in relation to, and also in the technique of handling, civil disturbances with a view to obtaining better co-operation between them and police officers in meeting causes of discontent, in the preparation of precautions and schemes to meet civil disturbances before they arise and in actually dealing with riot situations. In Magistrates this is particularly important and we think that all Magistrates should be carefully instructed, and their instruction from time to time tested, in respect of their riot duties.

Conclusions
(51) and (52)

(22) We recommend for the use of civil officers, just as much as for police officers, the small "Civil Disturbance Manual" which we have mentioned earlier⁽²⁾.

Conclusion
(52).

(23) We think, in particular, that all doubt as to the use of section 144 of the Criminal Procedure Code in the minds of civil and police officers, and the consequences of its disobedience, must be dispelled by an authoritative announcement upon the matter in order to avoid such a mistake as we think was made in the case to which we have drawn attention. We think that civil officers should, in the Manual we have suggested, be provided with carefully prepared⁽³⁾ precedents of such orders for use at a moment's notice.

Conclusions
(53) and (54).

(24) We recommend in any future case a policy in principle, in the matter of such prosecutions as may follow rioting, which leaves District

Conclusions
(55) to (61)
inclusive.

⁽¹⁾ At Pakôkku, page 132.

⁽²⁾ Page 245.

⁽³⁾ There actually is one in the Criminal Procedure Code itself, but very few people seem to realise it.

Magistrates and other prosecuting authorities to carry out the law as it for the time being stands subject to the exercise by them of such lawful powers of withdrawal and such discretions as under the law they may possess. Thus only may misunderstanding between judicial and executive authorities be avoided. But we should concede that in such a Manual as we have suggested those abstract considerations which may properly be borne in mind by District Magistrates and other prosecuting officers in using their powers and discretions might usefully find a place. If general clemency is to be applied to persons convicted of riot offences or to any class or classes of them, we think that it would be better done by independent executive action by way of amnesty than by executive advice tendered to judicial officers.

(25) We recommend a departmental inquiry, or a series of local departmental inquiries, into the very general charge—which in our opinion has substance in it—of the too frequent failure of *Thugyis* to range themselves openly and wholeheartedly upon the side of the authorities. And, if possible, we hope that, by constant supervision and vigilance by District Officers, it may be possible in time to strengthen this important class of public servant. If it were possible to provide him with healthy official (but non-political) information and propaganda on social and economic questions we think that it would make for the ultimate creation of public opinion⁽¹⁾.

Prosecutions
for seditious
speeches.
Interim
Report,
Chapter VI,
page 44.

(26) We also recommend a more vigorous use of sections 124A, 153, 153A of the Penal Code and sections 107 and 108 of the Criminal Procedure Code. We appreciate that it rests with the legal advisers of Government to say whether a speech or writing is seditious or legally objectionable or not. But we have traced between the 11th December 1933 and the 10th September 1938, fifty cases in which the legal adviser of Government has considered speeches to be "actionable" in only twelve of which prosecutions were sanctioned. We recommend more vigilance than this. Liberty of speech is one thing but immunity from the legal consequence of the abuse of liberty is another and wholly different thing.

Press.
Conclusions
(63), (64) and
(65).

(27) We recommend a general tightening up of the vigilance at present exercised over (a) the newspaper Press and (b) the output of book and other literature by the Presses of the country at large.

(28) As regards the newspaper Press, so long as the provisions of the Press (Emergency Powers) Act, 1931, are, when necessary, vigilantly and actively employed, we should not recommend, in any actual or threatened communal or religious disturbance, an actual general censorship of the Press, because we think on principle that, in a domestic disturbance and in a democratic country the normal statutory power of controlling the Press ought to be made sufficient. But, these powers failing of vigilant and proper exercise, we cannot close our eyes to the possibility of the ultimate necessity for a strict censorship. We recommend a far more vigilant use of the Press (Emergency Powers) Act, 1931, than we think has been made recently in Burma.

⁽¹⁾ This contains the elements of the idea which we find very difficult to put into the form of concrete proposals, that Government should by some form of non-political publicity and propaganda do something to counteract the ignorance and misapprehension on many questions which exist and which in the hand of agitators, are a constant source of danger. See Chapter XIX, page 275.

(29) As regards the Press and Registration of Books Act, 1867, as amended by the Press and Registration of Books Act (1867) Amendment Act (1890), we recommend that this should be amended—

Conclusion
Interim
Report,
Chapter VI,
page 42.

(a) so as to shorten the period for delivery of every "book" to the appointed officer to a period of one week, instead of one month, after first delivery of that "book" out of the Press ;

(b) so as to make the Act apply with certainty to a second and subsequent edition of a "book," as well as to the first ;

(c) so as to enlarge the definition of a "book" where necessary to include any printed matter upon any subject of general or public, as opposed to purely private, interest ;

(d) so as to require, under penalties for failure, a quarterly or half-yearly statement from every keeper of a printing press as to the output of his Press for the preceding period verified by affidavit or statutory declaration ; and

(e) so as to increase the maximum penalties for failure to obey the provisions of the Act.

(30) We think that the instructions to Deputy Commissioners in the Districts as to the immediate disposal of books delivered to them under the Act should be, where necessary, revised and their attention drawn to them.

(31) We recommend that, instead of the delivery of two copies of newspapers under section 11A of the Act to the District Magistrate, such copies should, be delivered as to one of them, as heretofore to the District Magistrate and, as to the other of them, in the case of a newspaper published in Rangoon, to the Criminal Investigation Department before noon on the day of publication and, in the case of a newspaper published outside Rangoon, to the same Department by prepaid post on the day of publication.

Newspapers
Interim
Report,
Chapter VI,
page 43.

(32) We see advantages in vesting in the Criminal Investigation Department, as reorganized, the whole responsibility for "reviewing" books and newspapers delivered in accordance with the provisions of the Act. On the other hand we see sound reasons why, in the case of books, the Department of Public Instruction is, in most cases, the more qualified and interested of the two. If it is thought to be inexpedient to vest in the Criminal Investigation Department the whole of this work (which in many ways would be desirable), then, in the reorganization of that Department which we hope will follow with a view to bringing it into more intimate relations with the Home Department and the police we should recommend that, as far as possible, it should maintain touch with the Department of Public Instruction in the matter of the review of books.

"Review-
ing"
authorities,
Interim
Report,
Chapter VI,
page 41.

(33) And, finally, we recommend a far more general vigilance in the matter of the delivery of books under the Press and Registration of Books Act 1867 (as amended). The fact that only one such prosecution has

occurred in the past five years is not consistent, in the light of the evidence we have received of wholesale evasion of the Act, with a vigorous discharge of their duties by the officers concerned.

Kyaungdaiks.
Conclusion
(67),
Chapter XIX,
page 278.

(34) Just as we have recommended that a serious attempt should be made to define the sphere of the *Sangha* in the State and to assist it to restore its own authority, so we recommend that further misunderstanding should be removed by a public definition of the relations of *kyaungdaiks* to the civil law. We think that this is urgently needed, notwithstanding that no legal doubt exists in order finally to dispel a prevailing conception of the status of a *kyaungdaik* which, has in our opinion become a menace to good government and future peace. We have suggested in Chapter XIX at page 278 some principles which in our view might be suitable. And we particularly desire to guard ourselves from being supposed to advocate intemperate or unnecessary action where *kyaungdaiks* are concerned. We only say that, in our view, a dangerous popular misconception should be dispelled.

Our inquiry has brought us into contact with many officers in many places throughout Burma whose work in difficult conditions we have had to examine critically and, in some cases, adversely criticise. We have tried to appreciate their difficulties and always to be temperate and fair. But we do not think we ought to close this Report without making some short reference to a few individual cases in which we have been struck by work of outstanding merit. In mentioning these we do not mean that there may not be many other cases which have escaped us in which equally good work was done.

Among civil officers we have already ⁽¹⁾ commented specially upon the part the Warden of the Oilfields Mr. T. S. Atkinson, played at Yenangyaung. And we desire to mention particularly the Deputy Commissioners of Mandalay and Tharrawaddy, who, we think, deserve credit for good work in difficult conditions. Among junior civil officers we think that, notwithstanding the charges levelled against him, Mr. G. E. Rollins ⁽²⁾ at Wakema did splendid work in an emergency. At Taungdwingyi ⁽³⁾ the Third Additional Magistrate overcame the deplorable example set to him by his colleagues and rose to an occasion and, we understand that U Tun Maung, the Headquarters Assistant to the Deputy Commissioner of Tharrawaddy, gave that officer invaluable assistance throughout. We also do not overlook, Maung Nyun Maung, the village Headman of Pazunmyaung, who set an example ⁽⁴⁾ other Headmen might do well to follow.

⁽¹⁾ See page 131.

⁽²⁾ See page 49.

⁽³⁾ See page 104.

⁽⁴⁾ See page 214.

Among the police, we have been struck by the work of Mr. A. A. Donald, the District Superintendent of Police of the Shwebo District, whose personal energy and determination undoubtedly contributed in no small measure to the control of that District. And Mr. A. J. Jones, the District Superintendent of Police of the Pegu District struck us as the officer to whom the comparative peace of the Pegu District was largely due. We think too that Mr. F. G. Bestall, the District Superintendent of Police of Magwe, did outstandingly good work in that District and at Yenangyaung. We think also that U Tun Mra U, A.T.M., the District Superintendent of Police of Henzada deserves mention for the capacity he showed in overcoming difficulties. In the Myaungmya District, notwithstanding the charges made against him, we are satisfied that Mr. A. H. Phipps, the District Superintendent of Police can claim the credit for having kept the District in control and that there is nothing to reproach him with. Among junior police officers we think that U Ba Kun, the Headquarters Assistant of Police of Tharrawaddy, was outstanding for his courage and sense of duty at Okpo⁽¹⁾ where he saved a very ugly situation. We cannot too highly commend this officer to the notice of his seniors. We desire also to mention Mohamed Yacoob Khan⁽²⁾, the Headquarters Assistant of Police at Toungoo, and Sergeant Phillips of Yenangyaung for the good work they did.

Among civilians we have had our special attention drawn to the efforts for peace of U Hla Thwin, the President of the Municipal Committee of Yandoon, and of Musaji Bham, Municipal Councillor, also of Yandoon, of U Ngwe Din, the Superintendent of the Buddhist School and of Abdul Hye, Inspector of Vaccination, both of Thonze, and of Dr. Kyu Pe of Minhla. We also wish to refer specially to the help given to the authorities by *Sayadaw* U Kondala of the Mya-San-Gu *Ayaung*, Toungoo. The late Commissioner of Mandalay has furnished us with a list of the names of thirteen gentlemen to whom he considers Mandalay to be specially indebted for their services for peace:— U Maung Maung Bya, C.I.E., M.B.E., A.T.M. ; U Kyaw, K.S.M., A.T.M. ; U San Thin, T.D.M. ; U Pe Than, A.T.M. ; Tait Tin Pyu, K.S.M., O.B.E. ; U Ba Si, A.T.M. ; U Thounng Tint ; U Thaw, Honorary Magistrate ; U Khin Maung Pu, Broker ; U Khin Maung Gyi, Mahadanwun ; U Po Yin, T.P.S., Honorary Magistrate ; U Ka, T.P.S., Honorary Magistrate ; Mr. C. E. Mapara.

(¹) See page 202.

(²) See page 209.

ADDENDUM.

Two matters have come to our attention at a very late stage and too late for inclusion in the body of the Report itself. We think we ought to mention them.

(1) *The Shooting in 52nd Street, Rangoon.*

This took place on the afternoon of the 29th of July. A party of military police fired on a mob of Chittagonians at the junction of 52nd Street and Dalhousie Street, killing one and wounding another. This was a perfectly well known incident and is included in the report of the Commissioner of Police at page 6, though in some details that account is incorrect. During the whole of the long period in which we took evidence from the Indian communities in Rangoon whom Mr. Rafi and his learned juniors represented, no intimation of any kind was made to us that it was challenged in any way. But on the last day of our sitting, indeed on the very day on which our Ordinance expired—a day which we had allotted to Mr. Rafi to hear a few odd witnesses left over—two witnesses were produced to challenge this case of shooting. It is unfortunate that this should not have been raised at an earlier stage when there was ample opportunity for doing so.

52nd Street
shooting.

Two eye witnesses⁽¹⁾ were thus adduced to say that the military police fired wantonly and without excuse at a party of harmless Chittagonians. One of these witnesses at least is a gentleman who, we are sure, would not invent a story such as this. No other witnesses were brought to support it. We have, however, succeeded with some difficulty, in tracing the officer⁽²⁾ who was in charge of this party of police and who himself ordered two sepoys to fire two shots each. We have also seen the written report he made to his superior officers at the time, which in every way confirms his evidence to us. We are quite satisfied from what he has told us that he had to take this course to prevent his party being overwhelmed by a hostile crowd which appeared to be about to attack them. He held his hand until the last moment, repeatedly warned the crowd and then only ordered four shots to be fired. We are satisfied that he was legally justified in doing so, and that the course he took was necessary and proper. We desire to add that we do not doubt the sincerity of the Indian gentleman who gave evidence before us in the sense that this shooting was not justified. We think the explanation is that he was on the north pavement of Dalhousie Street at the time and that, in the confusion and among the crowd, he got a wrong impression of what actually occurred.

(2) *Nattalin.*

A letter dated the 30th January 1939 was received by the Secretary of the Committee on the 7th February 1939 from U Maung Maung, M.H.R., who represents Tharrawaddy North. It charges the Subdivisional Officer of Zigon with having "not only deliberately omitted but also flatly refused permission" for certain Burmese witnesses to

Incident at
Nattalin.

⁽¹⁾ Rangoon witnesses Nos. 182 and 183.

⁽²⁾ Rangoon witness No. 190.

give their evidence before the Committee in relation to the shooting incidents at Nattalin when it visited that place on the 26th January 1939. We have made inquiries as to this through the Deputy Commissioner and his answer will be found in our files. The charge made is irresponsible and untrue. We have, moreover, this to add. The Committee during its sitting at Nattalin were entertained by the spectacle of some fifteen boys and youths headed by U Maung Maung, M.H.R. himself, parading the town beating tin cans and shouting "Boycott the Riot Inquiry Committee." We regret that U Maung Maung if he desired further witnesses to be called, did not take the opportunity while within a few yards of our place of sitting, of informing us of the fact, in which case they would most certainly have been heard. We may add that this was the only occasion from first to last on which any form of demonstration was made against the Committee.

H. B. L. BRAUND,
Chairman.

U PO HAN,
A. RAHIM,
KIN MAUNG DWE,
M. A. RAUF,
Members.

Dated the 27th February 1939.

APPENDICES.

APPENDIX I.

TRANSLATION OF THE AGENDA FOR THE MEETING ON THE SHWEDAGON
PAGODA ON THE 26TH JULY 1938.

Agenda.

- (1) To elect a Chairman and a Secretary of the meeting.
- (2) To take vigorous action against—
 - (a) Muslim Nga Shwe Hpi, the author of the book entitled "Instruction on the discourse between a Moulvi and a Yogi";
 - (b) the owner of the Press responsible for printing the book ;
 - (c) the person who financed the printing and distribution of a large number of copies of the book ; and
 - (d) those who secrete the book, although *it* came into their possession.
- (3) To take vigorous action against the granting of permission to enter pagodas, *kyaungs* and *wuttagan* lands with shoes on, on certain conditions.
- (4) To urge urgent legislation in connection with the marriages between Burmese women and foreigners professing other faiths.
- (5) To discuss miscellaneous matters.

APPENDIX II.

TRANSLATION OF THE RESOLUTIONS PASSED AT THE MEETING ON THE
SHWEDAGON PAGODA ON THE 26TH JULY 1938.

Resolution No. 1.—"That in view of the fact that the book entitled the "Moulvi-Yogi Aw-wada Sadan" written by Maung Shwe Hpi of Myedu (Shwebo District) contains scurrilous remarks against Lord Buddha, his images and pagodas and the fact that it amounts to insolence and insult to the Buddhist community, this meeting emphatically urges Government to punish the author of the book, the proprietors of the National Press, Mandalay, and the "Tha Htun Aung Press," Taikkyi, at which copies of the said book were printed. The meeting is further of opinion that wide publicity should be given to the fact that *Thugyi Nga Kha* and his family of Namma (Myitkyina) and Khatiza Bi Bi (wife of late Hashim Cassim Patil) and family, the owners of the Hashim Cassim Patil—One Price "Padonma" Shop, Rangoon, subsidised the publication of the book; and that if Government fails to take necessary action in the matter as demanded, this meeting warns Government that steps will be taken to treat the Muslims as enemy No. 1 who insult the Buddhist community and their religion and to bring about the extermination of the Muslims and the extinction of their religion and language."

Resolution No. 2.—"That the meeting demands the enforcement of strict prohibition of foot-wearing on the Shwedagon Pagoda and other religious places without any exception."

Resolution No. 3.—"That Government be urged to immediately enforce the Buddhist Women Special Marriage and Succession Bill."

Resolution No. 4.—"That a Working Committee consisting of the Executive Committee Members of the Thathana Mamaka Young Singhas Association, Rangoon, be formed to give effect to the above resolutions."

•

APPENDIX III.

APPENDIX III.

PHOTOGRAPH No. 1.

(From "New Light of Burma" of 27th July.)

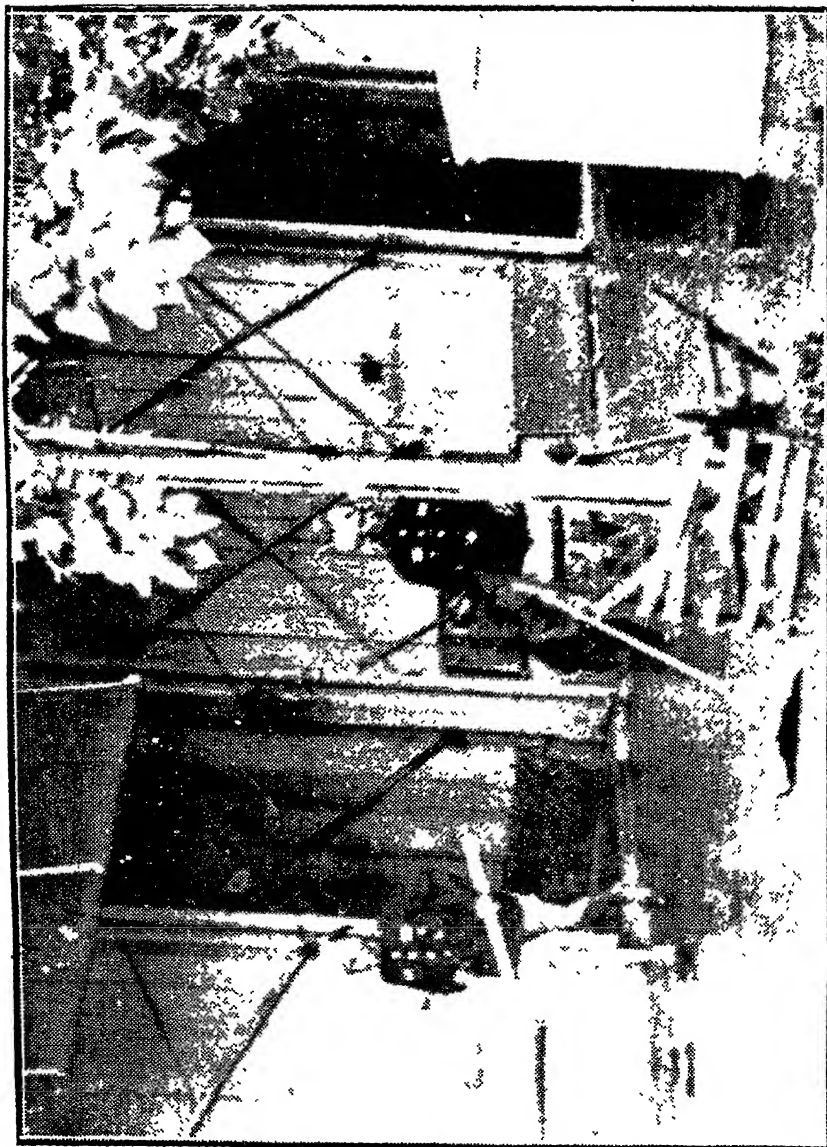


ရန်ကုန်ပုလိပ်များကအတင်းဒလကြမ်းမဲမဲမြင်သမျှကိုလိုက်နာကြသဖြင့်၊ ကြောက်အားလန့်အားနွှင့်ပြေးလွှားစဉ်တွင်၊ မျက်နှာဖြူစာရင် ၃၀ နှင့် ၁၂ တို့၏နံပါတ်တုတ်ရှည်ကြီးများ၏ပြင်းထန်လှသော ဒဏ်ရာများကိုခံရနိုင်သဖြင့်၊ သိမ်းကြီးဈေး (စီ) ရုံ၏ဆင်ဝင်အောက်လူသွားလမ်းပေါ်တနေရာတွင်တခါတည်း စကားမေးမေးရတော့သောမြောက်လျက်သားလဲကျနေရသော သံဃာတော်အရပ်မြတ်တပါ။

Translation.—A venerable *sangha* lying prostrate, pathetic and unconscious, on the pavement under the portico of C Block, Soortee Bara Bazaar, overcome by the severe injuries caused by European Sergeants Nos. 12 and 30 with their batons while he was running panic-stricken owing to the indiscriminate charge made by the Rangoon Police.

PHOTOGRAPH No. 2

(From "New Light of Burma" of 27th July.)

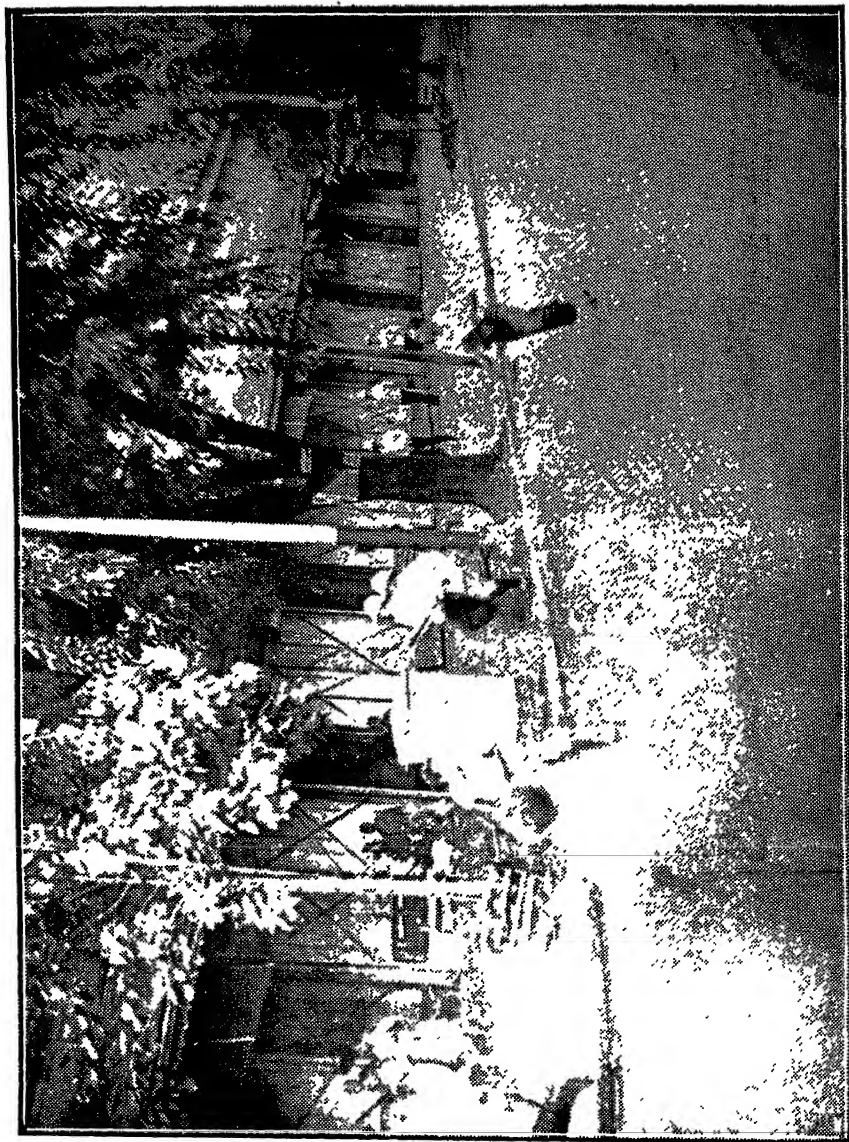


သိမ်ကြီးဈေး ဒါလဟိုဗီလမ်းဒေါ်ဌ် အနီး ပိတ်ထားသော ရွှေဆိုင်တဆိုင် ဘေးနားတွင်။
ပုလိပ်များဝိုင်းရံထားသဖြင့်၊ ပြေးစရာလမ်းပေါက်မတွေ့သောသံဃာတော်အရှင်မြတ်တပါးအား။
ရန်ကုန် ပုလိပ်အဖွဲ့ကလားအမှုထမ်းကမ္ဘာတစ်ဝှမ်းမှာ တခါတည်းလဲကျအောင် နှိပ်ကပ်တတ်၍
ကြီးများနှင့်၊ ရိုက်ပြီးသည့်အပြင်၊ ၎င်းတုတ်နှင့်လည်းမိုးထားပုံ။

Translation.—Picture of a venerable *sangha* cornered by the police without chance of escape, beside a closed jeweller's shop at the corner of the Soortee Bara Bazaar in Dalhousie Street, and beaten to the ground and kept covered by an Indian Constable of the Rangoon Police with his baton.

PHOTOGRAPH No. 3.

(From "New Light of Burma" of 27th July.)

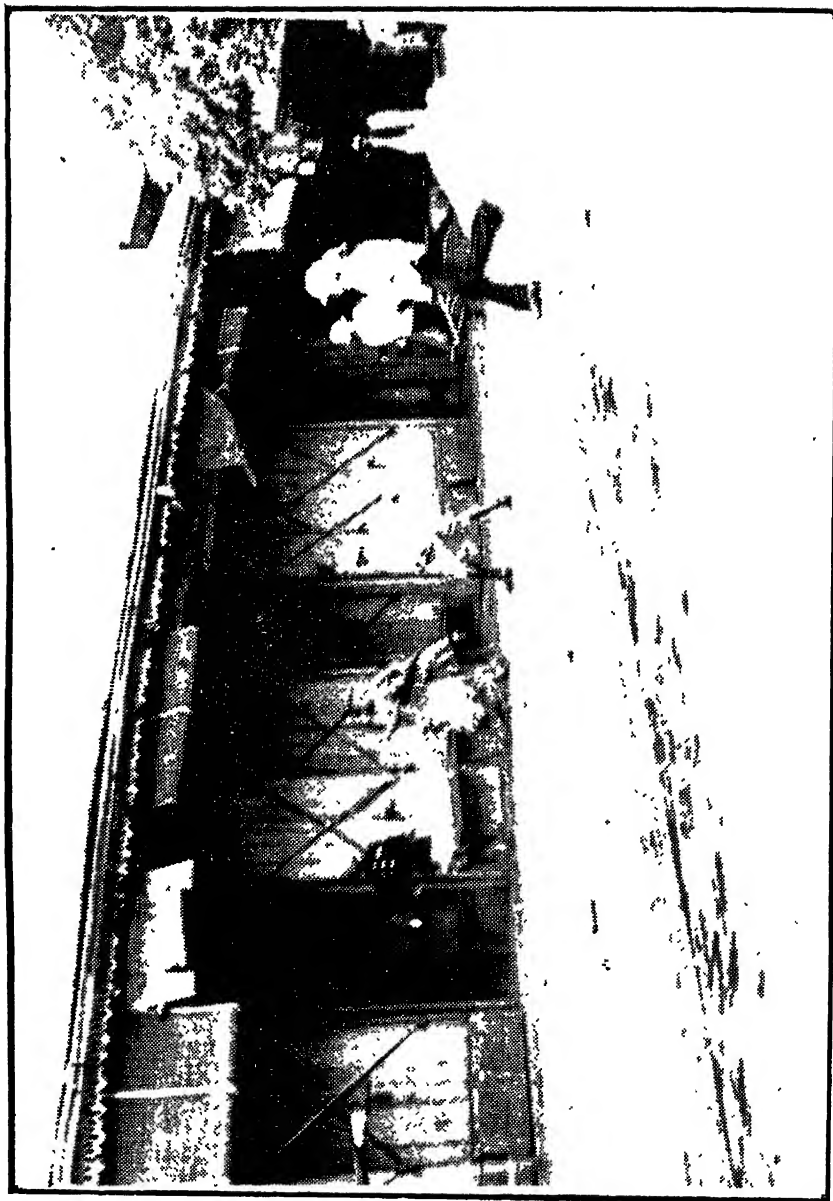


တပြိုင်တည်း ပိတ်ထားလိုက်ကြသော ဒါလဟိုဇီလမ်းဒေါ်း ဘက်ရှိသိမ်းကြီးများ (ဒီ)ရုံ
 ရွာသောရဟန်းရှင်လူအပေါင်းကိုလည်းကောင်း၊ ကြောက်အားကြီးစွာနှုတ်နှုတ်အောင်းနေကြ
 ရှာသောရဟန်းရှင်လူအပေါင်းကိုလည်းကောင်း၊ ကြောက်အားကြီးစွာနှုတ်နှုတ်အောင်းနေကြ

Translation.—The Rangoon Police who were ferociously chasing and
 beating *rahans*, novices and laymen who were pathetically taking refuge,
 terror-stricken, in every nook and corner, around the area of the jeweller's
 shops which were closed simultaneously in front of the D Block, Soortee
 Bara Bazaar and corner of Dalhousie Street.

PHOTOGRAPH NO. 4.

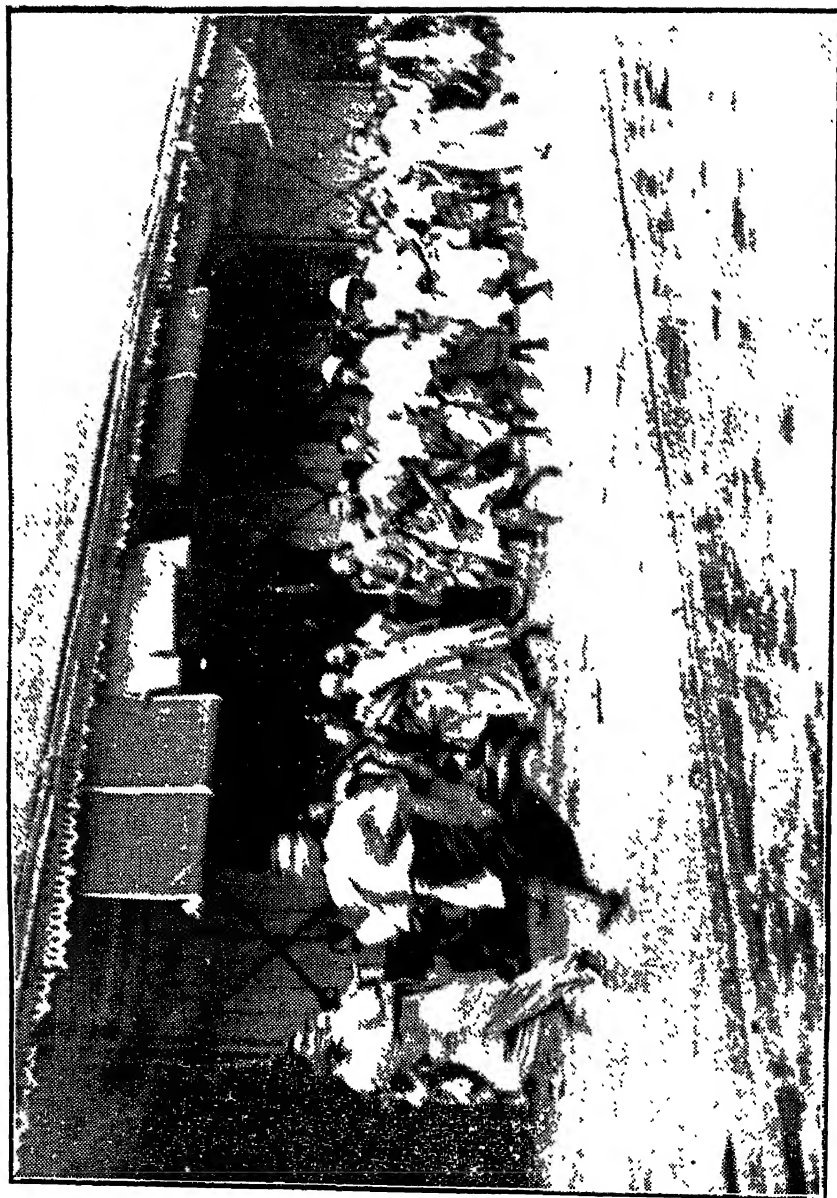
(From the "Sun" of 27th July.)



ပြည်ထဲရေးဝန်ကြီးချုပ်။ သိကြီးရေး ရွှေဆိုင်များအနီး ဖြင့်ပွဲသော ဤကို ကြည့်ပါ။ ဤကိုကြည့်ခြင်းအားဖြင့်၊ မနွေကဖြစ်ပျက်သောအရေးတွင်၊ ဂေါ်ရာဆာဂုင်တို့သည်။ မည်မျှ လောက်လွန်သည်ကိုသိနိုင်ပေမည်။ ဤအားဖြင့်လည်းထိုအရေးကြီး၏ပြဿနာသည်ရှင်းလင်း နိုင်ပေမည်။ ဂေါ်ရာဆာဂုင် ၄ ယောက်အနက် တယောက်သော ဂေါ်ရာဆာဂုင် သည်။ ကိုယ်တော် ၂ ပါးရှိရာသို့ အတင်း စွတ်ဝင်သွားခါ ဘာလုပ်နေသလဲ။ ။ ကိုယ်တော် ၂ ပါးမှာမည်မျှလောက် ကြောက်ရွံ့နေသောစိတ်ထားနှင့် မည်မျှလောက်တုန်လှုပ် ချောက်ခွာမရှိ။ မည်ကဲ့သို့ကြုံကြုံကလေး ဖြစ်နေသည်ကိုသေသေခြာခြာတွေ့ရပေမည်။တုန်းကြီး ၂ ပါးရှေ့မှာ လည်။ ကုလားပုလိပ်တယောက်ရှိသေး၏။ အချုပ်ဆိုသော်ထိုတုန်းကြီး ၂ ပါးမှာပုလိပ်တို့၏ ‘ချောင်’ တွင်ပိတ်မိနေ၍ ထိုကိုယ်တော် ၂ ပါးပြေးရွံ့လွတ်ပလားစဉ်းစားကြရန်။

Translation.—Hon'ble Home Minister, look at this picture of an incident near the jewellery shops of the Soortee Bara Bazaar. From this can be judged the extent of the excesses committed by the European Sergeants in yesterday's affairs. The picture speaks for itself. What are two out of the four Sergeants doing, while going straight for the two *pongyis*? It can be clearly seen how terrified, terror-stricken, and recoiling with fear are those two *pongyis*. Ahead of them is an Indian Constable. In fact the two *pongyis* are cornered without chance of escape.

PHOTOGRAPH NO. 5.
(From the "Sun" of 27th July.)



‘ပုလိတွေကရိုက်ကုန်ပြီ’ ဟုအော်၍ ပြေးကြသောလူထုကြီးကား၊ ဤလူထုကြီးပင်တည်း။
အသက်စားအတွက် လွတ်ကင်းအောင် အဘယ်မျှလောက် ပြေးကြသလဲ။ ဤနေရာမှာလည်း
သိမ်ကြီးရေခဲသွပ်ပြင်ဖြစ်ပေသည်။

Translation.—This was the large crowd running away crying “The police
are striking.” How had they to run to escape from the danger to life.
This scene was also at the Soortee Bara Bazaar.

APPENDIX IV.

The burning of the Sawmills at the corner of Canal Street and Keighley Street on the morning of the 28th July.

This took place at about 11-30 a.m. on the 28th July. There was a clash between Chulias and Burmans near the Netwar sawmill at about 11 a.m. A body of Burmans, after that was over, proceeded to the corner of Canal Street and Keighley Street led by a *pongyi*. There they were ordered by the *pongyi* to set fire to the sawmill of which Mr. D. Hormasjee is the Manager. A Burman then went to a Kaka shop to procure some petrol, poured it over the timber and set it on fire. The sawmill, it seems, belonged to a lady named Amina Bee Bee. Other Burmans then came in buses to the timber stalls adjacent to the sawmill in which the timber of the dealers was stored and these were burned in the same way. When a fire engine arrived, the Burmans were ordered by the *pongyi* to drive the firemen off and as a result no attempt was made to extinguish the fire. There was a stiff breeze and in about a quarter of an hour the whole of the mill and the stalls were destroyed. Meanwhile, a Burman with a piece of burning wood ran back to the Netwar sawmill and that was burned down too. Another fire engine came along when the Netwar mill had been three-quarters burnt and endeavoured, without any success, to save what remained. This is an example of a deliberate attack led by a *pongyi*.

APPENDIX V.

ACCOUNT OF THE ATTEMPT TO SET FIRE TO THE MYENIGON MOSQUE.

We have gone into this incident with some care in view of the fact that it took place at only a very short distance from the Myenigon Police Outpost on the Prome Road. It affords not only an authenticated instance of the many attempts to burn Mahomedan mosques by Burmans but also it has been suggested that it is an instance of neglect by the police to take action to prevent looting and other outrages.

The mosque is situated at some 400 yards' distance from the police outpost but only the tops of the minarets are visible. At the time the incident happened all the military police reserves had been sent to the city and the military police lines were completely denuded of men except for a few office orderlies and other oddments such as cooks. In this condition Major Chappell received a telephone call from Major Martin from the Mogul Guard telling him to go at once to Myenigon. He hastily raked the military police lines and collected a few men amounting, with others whom Captain Ross-Thompson was also able to raise from his lines, to sixteen. They were the office orderlies and other men on miscellaneous duties, who were all that were left in the lines. When they got to the cross-roads constituted by Prome Road and Bagaya Road they saw a crowd of Burmans, including *pongyis*, numbering some hundred or a hundred and fifty armed with *dahs* approaching up the Bagaya Road from Kemmendine. Major Chappell, however, took no notice of them for the moment but hastened with his men into Myenigon Village where he saw smoke coming out of the mosque. There were men too on the top of the mosque shouting—presumably for help. The next thing that happened was that a number of Burmans with *dahs* in their hands rushed out of the mosque followed almost immediately by some Mahomedans armed with *dahs* as well. Then followed a general melee in which the military police tried to keep the Burmans and Indians apart. But they were unable to prevent most of the Burmans breaking through and running away. While this was going on a Burman with a *dah* threatened Major Chappell himself. This is important because it gave rise to the first case of a rifle being fired in Rangoon during the riots. Major Chappell had drawn his own revolver but it was not used. A sepoy, however, from his right rear let off his rifle without doing any damage to any one. When questioned about this the explanation was that it was fired by mistake. The possibility that it was fired in defence of Major Chappell cannot be overlooked. But, as that officer points out, it would be surprising in that case that the bullet did not take effect as the range was so close. However that may be, as we have said before, the Burman was not injured⁽¹⁾. That particular Burman, however, was killed by Muslims almost immediately afterwards. After the Burmans had run away, the Mahomedans showed their gratitude to the military police and then went back into the mosque to put out the fire.

(1) It has been alleged that a Burman who looted the Mosque was killed by a Gurkha with a bayonet. But we think that more probably this is the incident referred to.

This all took only a minute or two and meanwhile, the party of Burmans with *pongyis* among them were still coming up Bagaya Road. Major Chappell therefore divided his force into two, leaving Captain Ross-Thompson with eight men in Myenigon Village while he himself with the remaining eight men doubled back to Prome Road. There he met the force of Burmans and *pongyis*. It is fair to say that, with the assistance of an English speaking *pongyi*, who gave Major Chappell very valuable help in persuading the crowd to go back, no disturbance occurred and the mob returned to their *kyaungdaiks* or houses on or near Bagaya Road. Then a further reinforcement of military police and troops arrived and the incident closed.

We are not satisfied that the police in Myenigon outpost were, in fact, aware of the burning of the mosque although they were aware of a disturbance going on within Myenigon Village. It is true that there were, or should have been, fourteen constables in the police-station. But this is a good illustration of the complete immobilization of the unarmed civil police on the 28th of July to which we shall refer in the report. As we have pointed out the civil police were quite useless to prevent damage or loss of life in cases where they would have to face an armed mob.

APPENDIX VI.

STATEMENT MADE BEFORE THE DISTRICT SUPERINTENDENT OF POLICE,
MYAUNGMYA, ON 13TH AUGUST 1938 BY JEMADAR TIKA RAM OF
THE 2ND BATTALION, BURMA MILITARY POLICE.

I was sent with 10 Military Police to Wakema on the 29th July 1938 and arrived there at about 7-30 p.m. The Subdivisional Police Officer told us to have our meals quickly and when we had finished we fell in. We then marched down to the town and halted in front of the big pagoda. I posted half my party on the road leading west and half on the road leading east. I took up my position with the Magistrates and the Subdivisional Police Officer on the road leading south from the pagoda. At the time there were about 25 *pongyis* and 200 Burmans armed with *dahs* standing on the other side of the bridge leading to the pagoda and *pongyi kyaungs*. The Subdivisional Officer called one of the men and a *pongyi* with a *dah* in his hand came forward and spoke to him. I do not know what was said but the Magistrate told me to remove the picket I had posted on the road leading east and let them fall in with the picket on the west road. I told the Magistrate that if he did this the people with the *dahs* would go into the town. He told me that he had spoken to them and that they had promised not to do anything if they were allowed to go out of the pagoda. I then pointed out to the Magistrate that these men were fully armed and that there would probably be bloodshed and I told him to first order them to deposit all their *dahs* and then they would be allowed to go. The Magistrate did not pay any attention and said that the people had promised him not to do anything. The armed body of Burmans headed by the *pongyis* who were also armed, then proceeded along the road going east towards the bazaar. We did not follow them and the Magistrate and the Subdivisional Police Officer and the civil and military police then retired along the road leading west and when we reached the house of a Burman *lugyi* we all sat down for about one and half hours. I could hear the people shouting in the town all this time. Then the whole party including the Magistrates and the Subdivisional Police Officer proceeded towards the bazaar where the Burmans had gone. When we arrived there we saw no trace of them but found that all the small Indian stalls along the Strand had been cut open and all the contents strewn over the road. It was then about 11 o'clock and we all returned to the police-station.

At about 3 o'clock the next morning, *i.e.*, 30th July 1938, the District Superintendent of Police and Deputy Commissioner arrived and when it was light we marched round the town with them. Everything was quiet and there was nobody on the roads. We returned to the Lines and the District Superintendent of Police and the Deputy Commissioner returned to Myaungmya. Nothing happened till about 11 o'clock when there was an alarm and I fell in my military police and proceeded to the town at the double. We saw large bodies of armed Burmans near the pagoda and near the bazaar. I posted my men across the road in front of the pagoda and after giving the order to load and fix bayonets we remained there for 20 minutes and the Burmans who had collected dispersed. We then returned to the police-station. At

about 12-30 p.m. the Commander of the Fire Brigade arrived in a bus at the police-station and said that the mosque had been set on fire. I put my men in the bus and we proceeded immediately to the mosque. When we arrived at the mosque there was nobody in it but a large party of about 300 Burmans including about 20 *pongyis* all armed with *dahs* were standing on the other side of the road from the mosque and in front of the pagoda. The firemen were playing their hose on the fire which was inside the mosque. The mosque itself which was made of stone was not damaged but the Koran, books etc., were heaped together and set on fire. The fire was brought under control in about half-an-hour. The armed body of Burmans then retired into the pagoda. There was no Magistrate present but the Subdivisional Police Officer was there in charge. We then returned to the Lines. Nothing further happened till about 8 o'clock at night when another alarm was given. The bioscope hall owned by an Indian and another seven or eight Indian houses were set on fire. I fell in my party and the Subdivisional Police Officer instructed me to take up a position at the junction of the road leading down to the Irrawaddy Flotilla Company and the Strand Road which runs in front of the police-station. He told us we were not to proceed any further but to protect the police-station. There was already a civil police (armed) guard in the police-station at the time. I stayed at the corner as instructed. The Subdivisional Police Officer and the other Magistrates went into the police-station and did not move out of it. They sent the Police Station Officer and about 20 armed civil police down the Strand Road leading towards the bazaar where the attacking of Indians and the looting of shops was taking place. The Burmans living on the other side of the river then came across in their boats and lit small fires on both sides of the river. They then proceeded to loot all the Indian houses and carried the stuff over to the other bank shouting to those on the other bank to come over and assist them. From where we were standing we could see all that was going on. No effort was made by the civil police, who had gone into the town, or the Magistrate or the Subdivisional Police Officer to stop this. In fact, neither the Subdivisional Police Officer nor the Magistrates left the police-station. I was given orders not to allow any Burmans to approach the police-station. At about 11 o'clock I was told to return to the police-station. We had been in the police-station for about half-an-hour when two badly injured Indians came running into the police-station and one of them collapsed. He was unable to walk and so both wounded men were put into a sampan and taken down by river to the front of the hospital. The military police marched down the Strand Road with a party of civil police under Sub-Inspector of Police Maung Set. The injured persons were then handed over to the hospital. We returned by the upper road and in every street saw parties of 10 or 15 Burmans standing about in groups armed with *dahs*. When we arrived at the police-station it was about 1 a.m. There were no patrols or pickets out in the town that night. The looting continued all night till about 3 next morning. The Burmans carried away across the river as much as they could load into their boats.

On the 31st July 1938 at about 6 a.m. I fell in my men and accompanied the civil police under the Police Station Officer and went round the town collecting all the Muslims in batches of 50 from the houses of

Chettyars and Hindus where they had taken refuge the night before. We evacuated in all about 400 Muslims with their families. They were all kept in the police-station compound. This work was completed about 8 a.m. The Subdivisional Police Officer then instructed me to stop any man climbing up the telephone posts to cut the wires. He told me to shoot them if they disobeyed the orders. I posted the sentries at the four corners of the police-station compound to see that nobody interfered with the telephone wires.

At about 4 p.m. Havildar Sardu Singh and a detachment of 20 (Bassein) Military Police and 30 Karen Special Police arrived from Myaungmya. The Subdivisional Police Officer then told me to instruct Havildar Sardu Singh to order his men to relieve my men who were on duty at the corners of the police-station compound. Mr. Rollins, the new Subdivisional Officer from Bassein, Mr. McCorkell, Assistant Superintendent of Police, Bassein, and Mr. Slater of Steel Brothers also arrived about the same time by speed boat. Mr. Rollins then instructed me to form two parties of ten men each from the military police, who had just arrived and order them to patrol the town during the night. Nothing further happened that night. The next morning the District Superintendent of Police arrived from Myaungmya at about 4 a.m. and a little later Captain Turner and 50 men of the Burma Frontier Force arrived by the Express Steamer from Rangoon.

APPENDIX VII.

WITHDRAWALS OF CASES.

District.	Number of persons arrested.	Number of persons arrested against whom investigation was refused.	Number of persons with regard to whom cases were closed as false.	Number of persons with regard to whom cases were closed as mistaken.	Number of persons with regard to whom cases were closed as non-cognizable.	Number of persons with regard to whom cases were closed as transferred.	Number of persons with regard to whom cases were closed as undetected.	Number of persons with regard to whom cases were withdrawn for insufficient evidence by P.P.	Number of persons with regard to whom cases were withdrawn after receipt of letters from Government.	Number of persons convicted.	Number of persons acquitted or discharged on completion of trial.	Number of persons under trial.	Total.
Rangoon ...	854	...	2	252	6	...	17	150	...	308	111	8	854
Pegu ...	125	...	...	8	...	...	31	...	3	6	77	...	125
Tharrawaddy ...	351	...	...	5	...	...	12	72	...	75	169	18	351
Hanthawaddy ...	97	...	...	...	...	...	57	10	...	5	25	...	97
Insein ...	137	...	...	28	...	...	4	...	54	29	22	...	137
Prome ...	106	...	...	3	10	...	8	59	...	12	10	4	106
Bassein ...	16	9	...	...	...	...	...	...	...	6	1	...	16
Henzada ...	180	...	2	17	1	...	4	1	99	12	34	10	180
Myaungmya ...	703	...	...	...	...	...	...	275	375	22	30	1 ⁽¹⁾	703
Maubin ...	108	...	...	4	...	...	3	58	...	41	2	...	108
Pyapon ...	238	...	3	3	...	...	50	71	42	4	65	...	238
Thatôn ...	14	...	...	...	...	...	...	...	...	2	12	...	14
Amherst ...	14	...	...	...	...	...	...	...	...	14	...	...	14
Toungoo ...	33	...	4	2	...	...	2	...	...	6	19	...	33
Minbu ...	19	...	...	...	...	...	2	...	...	9	8	...	19
Magwe ...	438	32	...	8	...	8	16	32	52	148	142	...	438
Pakòkku ...	39	1	...	...	...	...	14	...	...	11	13	...	39
Mandalay ...	369 ⁽²⁾	...	3	45	...	...	16	32	138	60	62	12 ⁽¹⁾ 1 ⁽³⁾	369
Meiktila ...	121	...	...	...	...	...	101	...	...	2	18	...	121
Myingyan ...	128	...	...	1	2	...	54	...	16	24	31	...	128
Yaméthin ...	124	...	...	4	...	...	1	...	...	93	25	1	124
Myitkyina ...	13	...	...	...	...	...	...	...	...	6	7	...	13
Shwebo ...	74	...	...	1	3	...	5	1	49	...	15	...	74
Sagaing ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Lower Chindwin ...	5	...	...	...	...	...	...	...	...	5	...	...	5
Total ...	4,306	42	14	381	22	8	397	761	828	900	898	41	4,306

(1) Died during trial.

(2) This figure does not include 43 persons said to have been "released by Police and Magistrate." It is not clear what is meant by this, but we have not had time to investigate the point.

(3) Absconded while on bail.

APPENDIX VIII.

SANCTIONED STRENGTH OF THE CIVIL POLICE FORCE ON THE
31ST JULY 1938.

Inspector-General of Police	...	...	1
Deputy Inspectors-General of Police		...	4
District Superintendents of Police	...	...	37
Assistant Superintendents of Police	...	...	33
Deputy Superintendents of Police	...	...	64
Inspectors of Police	...	...	210
Sub-Inspectors of Police	...	...	1,396
Sergeants of Police	...	...	7
Station Writers	...	...	407
Head Constables	...	...	1,411
Constables	...	...	9,686
Total			13,256

NOTE.—These figures omit 1 Deputy Inspector-General of Police, 3 District Superintendents of Police, 1 Assistant Superintendent of Police, 4 Deputy Superintendents of Police and 15 Inspectors of Police who are shown in the statement of strength of the Rangoon City Police, but take no account of absentees sick or on leave.

APPENDIX IX.

SANCTIONED STRENGTH OF THE RANGOON CITY POLICE FORCE
ON THE 31ST JULY 1938.

Commissioner of Police (Deputy Inspector-General of Police)	...	...	...	...	1
Deputy Commissioner of Police (District Superintendent of Police)	...	...	...	...	1
Assistant Commissioner of Police (District Superintendent of Police)	...	...	...	...	1
District Superintendent of Police	...	...	...	...	1
Assistant Superintendent of Police	...	...	...	...	1
Deputy Superintendents of Police	...	...	...	...	4
Inspectors of Police	...	...	...	...	15
Sub-Inspectors of Police	...	...	...	...	99
Sergeants	...	...	...	...	52
Station Writers	...	...	...	...	29
Head Constables	...	...	...	...	108
Constables	...	...	...	...	1,263
Total				...	1,575

NOTE.—These figures take no account of absentees sick or on leave. The total force available for duty on 31st July 1938 was in fact 1,355 but even this total included 56 recruits of less than three months' service and 9 men who were under suspension.

APPENDIX X.

SCHEDULE OF RIOT CASUALTIES.

(See Chapter XX.)

Division.	District.	Town or Village.	Casualties caused by rioters.								Casualties caused by crown forces.								Remarks.
			Killed.				Injured.				Killed.				Injured.				
			Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	
Arakan ...	Sandoway ...	Kyaukkji ...	...	...	...	...	5	...	...	...	...	...	...	...	...	...	...	* Eleven <i>pongyis</i> .
Pegu ..	Rangoon ...	Rangoon ...	66	8	8	...	220	98	109*	10†	3	...	4	...	7	...	4†	+ Six Anglo-Indians, two Europeans, one Chinese and one Indian Christian.	
																		‡ There is some doubt concerning one of these casualties.	
																		N.B.—23 Indian corpses were buried in the Tanwe Cemetery without burial passes. This number has presumably to be added to the numbers in this Schedule, see page 281 of report.	

APPENDIX X—contd.

SCHEDULE OF RIOT CASUALTIES.

(See Chapter XX.)

Division.	District.	Town or Village.	Casualties caused by rioters.								Casualties caused by crown forces.								Remarks.
			Killed.				Injured.				Killed.				Injured.				
			Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	
		Gamonzeik ...	...	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Tazon ...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Hmaw-in ...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Nyaungwaing	8*	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	* One female and two children.
		Yengan ...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	* Female.
		Zibyugon ...	1*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	* Female.
		Kalamangon	...	2	1*	...	...	...	...	...	...	...	...	...	...	...	...	...
		Anyadan ...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Wagongyi ...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Nattalin ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

[illegible]

APPENDIX X—contd.

SCHEDULE OF RIOT CASUALTIES.

(See Chapter XX.)

Division.	District.	Town or Village.	Casualties caused by rioters.								Casualties caused by crown forces.								Remarks.
			Killed.				Injured.				Killed.				Injured.				
			Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	
	Henzada ...	Henzada ...	2	...	...	...	...	2*	2	...	...	...	...	...	...	...	...	...	* One female.
		Lemyethna ...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
		Myanaung ...	1	...	...	...	...	4	1	3	...	...	3	...	...	...	6*	...	* One female.
		Mezin ...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
		Mezaligon ...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...
		Kyangin ...	...	...	...	...	...	7	...	...	...	...	...	...	...	...	...	...
		Ingabu ...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
		Duya ...	...	...	...	...	...	1	...	1*	...	...	...	...	...	...	...	...	* One female.
		Kyudaw-in ...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...
	Myaungmya	Einme ...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...
		Wakema ...	1	...	...	...	...	11	...	...	...	...	...	...	...	...	...	...

APPENDIX X—concl'd.

SCHEDULE OF RIOT CASUALTIES—contd.

(See Chapter XX.)

See Chapter XX.

Division.	District.	Town or Village.	Casualties caused by rioters.						Casualties caused by crown forces.						Remarks.		
			Killed.			Injured.			Killed.			Injured.					
			Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.	Muslims.	Hindus.	Burmans.	Others.			
Tenas-serim.	Thaton	...	...	...	...	...	2	4	...	...	...	...	...	...	...	...	...
	Zenathwe	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...
	Toungoo	...	...	...	...	1	2	...	...	...	...	2*	...	...	...	...	* One <i>hongyi</i> .
	Konzaung	...	...	...	...	2	...	...	1*	...	...	...	...	...	...	...	* Female. † Indo-Burmese children
Magwe	Taungdvinyi	...	1	...	...	...	13	...	...	...	...	2	...	...	...	9	...
	Yenangyaung*	...	6	...	...	...	10	3	...	...	...	4	...	...	...	10	...
	Magwe	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	* Includes Lethmatkon, Twingon and Bene.
	Thonzachauk	...	1	...	...	...	...	3	...	...	...	...	...	...	...	...	...
Mandalay	Gwegyo	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Myothuil	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	* Chinese.
	Pakokku	...	2	...	...	3	1	...	...	...	...	2	...	...	10	2	...
	Myitche	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	* Five Females. † One Female.
	Mandalay	...	2	2	1	...	46*	36†	...	...	...	11†	...	...	...	30†	1§
																	† One <i>hongyi</i> . § Chinese.

APPENDIX XI.

SCHEDULE OF LOSSES OF PROPERTY DURING THE RIOTS (a) AS OFFICIALLY ESTIMATED AND (b) AS CLAIMED BEFORE THE COMMITTEE.

(See Chapter XX.)

Division.	District.	Town or Village.	Muslims.		Hindus.		Burmans.		Others.		Remarks.
			(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	
Pegu ...	Rangoon ...	Rangoon ...	Rs. 6,27,383	Rs. *29,64,454	Rs. 51,676	Rs. 1,84,734†	Rs. 2,55,288	Rs. ...	Rs. 24,696‡	Rs. ...	* Chulias ... 16,78,365 Kakas ... 4,50,881 Hindustanis 2,20,484 Bengalis ... 6,14,724 † Bengalis ... 1,51,439 Malabaris ... 33,295 ‡ Japanese ... 20,000 Chinese ... 4,500 Indian Christian 196
...	Pegu ...	Tawwi ...	250	...	...	...	...	...	...	...
		Payathonsu ...	25	...	...	...	...	...	...	...
		Thanatpin ...	300	...	...	...	...	...	...	...
		Kanmyint ...	100	...	...	...	...	...	...	...
		Hlandawgyi...	260	...	...	...	...	...	...	...
		Ingyi ...	40	...	...	...	...	...	...	...
		Thansobin ...	440	...	...	...	...	...	...	...
		Binsu ...	12	...	...	...	...	...	...	...
		Daiku ...	...	1,330	...	...	...	...	...	...
		Tawa ...	...	40	...	...	...	...	...	...

Nyaunglebin	...	2,132	...	...	...	...
Pegu	8,862	26,320	4,138	...	...	...
Lepadan	46,980	2,58,346	2,365	9,703	...	...
Kyungale	175	...	...	...	...	...
Hmaw-in	650	3,140	...	...	...	...
Gamonzeik	...	...	500	3,543	...	...
Nyaungwaing	7,325	2,000	5,000	28,500	...	...
Minlan	25	...	...	...	...	...
Tazon	250	1,350	...	1,300	...	...
Shandawzu	15	...	...	...	...	...
Zibyugon	2,510	...	...	...	...	...
Tazeik	3,150	...	1,400	...	...	...
Wethlagale	60,030	...	...	...	...	...
Payataung	350	...	...	...	...	...
Tharrawaw	1,000	...	...	...	...	...
Pyinkadogon	350	...	...	...	...	...
Nattalin	25,050	59,424	...	...	...	...
Penakhan	360	...	...	...	...	...
Chaunggangyi	250	...	...	...	...	...

APPENDIX XI—contd.

SCHEDULE OF LOSSES OF PROPERTY DURING THE RIOTS (a) AS OFFICIALLY ESTIMATED AND (b) AS CLAIMED BEFORE THE COMMITTEE.

(See Chapter XX.)

Division.	District.	Town or Village.	Muslims.		Hindus.		Burmans.		Others.		Remarks.
			(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
		Minhla	6,520	60,000	1,560	..	..	..	..	..
		Sitkwin	2,205	15,095	240	700	..	..	..	..
		Kanthaya	299	..	256	..	..	..	..	..
		Gonyindan	..	..	150	..	..	..	..	..
		Teinnyok	50	660	..	..	..	..	..	..
		Othegon	7,525	31,417	150	..	..	..	..	..
		Okpo	265	12,460	..	..	..	..	..	..
		Leipanyegyaw	235	..	20	..	..	..	..	..
		Thabyegon	150	..	..	..	..	..	..	..
		Kalamangon	..	..	120	..	..	..	..	..

[illegible]

Henzada	35	1,948	...	...	...	...	...
Kanhla	57	...	43	...	...	...	...
Ledigwin	773	900	...	...	...	...	...
Hlelandet	5	...	...	...	...	...	...
Kyudaw-in	30	...	...	...	...	...	...
Myanaung	9,015	27,129	1,949	...	...	...	...
Kyangin	950	1,105	...	...	...	...	...
Ingabu	429	430	...	...	...	...	...
Yegyaw	...	...	20	...	...	...	...
Aukywagyi	...	...	45	...	...	...	...
Mezaligon	1,058	1,626	...	...	...	...	...
Apyauk	...	140	...	...	...	...	...
Einnè	1,173	2,228	...	...	...	...	...
Thapanbinzeik	100	1,000	...	...	...	...	...
Wakema	1,56,127	1,65,388	...	...	...	...	...
Kawi-Nyaung-gyaung.	191	...	...	...	...	...	...
Lanthamaing	9,270	...	...	...	...	...	...
Maungdi	950	...	...	...	...	...	...
Kyonmange	22,017	22,299	...	...	...	...	...

APPENDIX IX—contd.

SCHEDULE OF LOSSES OF PROPERTY DURING THE RIOTS (a) AS OFFICIALLY ESTIMATED AND (b) AS CLAIMED BEFORE THE COMMITTEE.

(See Chapter XX.)

Division.	District.	Town or Village.	Muslims.		Hindus.		Burmans.		Others.		Remarks.
			(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
		Thayettaw ...	1,100	3,463	...	...	...	...	...	...
		Kyaikpi ...	3,400	...	...	...	...	...	...	...
		Kanbe ...	1,516	6,564	...	...	...	...	...	...
	Maubin ...	Maubin ...	66	1,200	...	...	...	...	...	...
		Yandoon ...	1,725	6,134	...	...	...	...	...	...
		Ngapyawgyun	...	233	...	...	...	...	...	...
	Pyapôn ...	Thameinhlaw ...	750	...	...	...	...	...	...	...
		Chaugdwin ...	1	...	...	...	...	...	...	...
		Pyapôn ...	482	2,239	...	...	...	...	...	...
		Adunkwin ...	...	...	153	...	...	...	...	...
		Thaleikkale ...	...	...	80	...	...	...	...	...

Mandalay	Mandalay ...	Mandalay	32,337	1,73,822	69,571	46,226	...	...	90*	...	* District Council Slaughter-house.
		Amarapura	58,994	15,687	455	20,000	...	...	...	...
	Meiktila	Mahlaing	2,000	10,100	...	...	...	...	...	...
		Kywegan	86	...	...	...	...	...	...	...
	Myingyan	Myingyan	20	390	100	...	...	...	...	...
		Taungtha	120	973	60	...	...	...	...	...
		Yonzingyi	...	...	2,028	...	...	...	...	...
		Nyaung-u	7,720	42,983	1,800	...	...	...	...	...
		Pagan	1,500	2,340	...	...	...	...	...	...
		Kyaukpadaung	1,700	38,085	30	...	...	...	...	...
		Singu	...	8,202	1,500	...	...	...	...	...
	Yamethin	Yamethin	...	1,200	...	...	...	...	...	...
		Tatkon	...	490	...	...	...	...	...	...
		Kyidaunggan	...	400	...	...	...	...	...	...
		Welton	...	540	...	...	...	...	...	...
		Seinzabin	...	900	...	...	...	...	...	...
		Pyinnana	14,692	25,895	3,235	...	...	...	1,984*	...	* Indians of unknown race.
Sagaing	Shwebo	Ye-u	5,255	27,612	...	...	...	...	...	...
		Shwebo	2	130	...	...	...	...	...	...

APPENDIX XI—contd.

SCHEDULE OF LOSSES OF PROPERTY DURING THE RIOTS (a) AS OFFICIALLY ESTIMATED AND (b) AS CLAIMED BEFORE THE COMMITTEE.

(See Chapter XX.)

Division.	District.	Town or Village.	Muslims.		Hindus.		Burmans.		Others.		Remarks.
			(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
		Londaw	200	150	...	...	...	...	...	...
		Myindaung	...	...	295	...	...	...	...	...
		Zigon	3,600	6,340	...	...	...	...	...	...
		Tindeinyan	500	...	...	...	...	...	...	...
		Seikkun	15	1,850	...	...	...	...	...	...
		Tanaungwun	10	80	...	...	...	...	...	...
		Tezu	800	2,710	...	...	...	...	...	...
		Tebobin	50	1,570	...	...	...	...	...	...
		Kin-u	1,500	6,885	...	...	...	...	...	...
		Kyigon	200	560	...	...	...	...	...	...
		Thabutkon	9,000	11,524	...	...	...	...	...	...

Ngayane	90	617	...	...	...	...	...	...
Magyidaw	371	1,240	...	...	...	...	...	...
Ye-ugon	150	...	...	...	...	...	...	...
Sathay	3,825	5,539	...	...	...	...	...	...
Zibyugon	60	...	...	...	...	...	...	...
Palaing	110	770	...	...	...	...	...	...
Ohnebok	...	...	250	...	...	...	...	...
Saingnaing	70	430	...	...	...	...	...	...
Hmawdaw	83	140	...	...	...	...	...	...
Tangon	82	342	...	...	...	...	...	...
Nyaungbinzeik	400	800	...	...	...	...	...	...
Chinmyitkyin ...	300	282	...	...	...	...	...	...
Wayonbok	20	...	...	...	...	...	...	...
Thayetkhaung	110	435	...	...	...	...	...	...
Thegongyi	...	5,893	...	...	...	...	...	...
Halingyi	...	500	...	...	...	...	...	...
Myedu	...	25	...	...	...	...	...	...
Ywathit	...	45	...	...	...	...	...	...
Khataunggyi ...	...	100	...	...	...	...	...	...

APPENDIX XI—concl'd.

SCHEDULE OF LOSSES OF PROPERTY DURING THE RIOTS (a) AS OFFICIALLY ESTIMATED AND (b) AS CLAIMED BEFORE THE COMMITTEE.

(See Chapter XX.)

Division.	District.	Town or Village.	Muslims.		Hindus.		Burmans.		Others.		Remarks.
			(a)	(b)	(a)	(b)	(a)	(b)	(a)	(b)	
		Ywetkyan ...	Rs. ...	Rs. ...	Rs. ...	Rs. ...	Rs. ...	Rs. 1,000	Rs. ...	Rs. ...	It is claimed by the Indian Community that losses were also suffered by Muslims at Thetlapandaw (Rs. 583), Shapanzaw (Rs. 1,200) and Kayao (Rs. 15). There are no villages bearing such names and it has not been possible to establish what villages are meant.
		Totals	16,17,963	51,30,973	1,57,189	3,12,489	2,56,288	1,000	31,825	...	

APPENDIX XII.

APPENDIX XII.

SCHEDULE OF DESECRATION AND DESTRUCTION OF RELIGIOUS EDIFICES AND BUILDINGS.

(See Chapter XX.)

Division.	District.	Town or Village.	Temple, Mosque or <i>Kyang</i> , etc.	Remarks.
Pegu	Rangoon	Rangoon	Stree Sree Jaganath Temple, Mosque	Temple raided, cash and property looted, loss estimated at Rs. 317-8-0.
		Do.	...	Bagaya Road Mosque stoned.
		Kemmendine	Do.	Attacked, and contents including Holy Books destroyed.
		Rangoon	Do.	Pazundaung Mosque looted, Rs. 1,500.
		Do.	Do.	At Thwesaigon, Transport Road, completely wrecked.
		Do.	Do.	Upper Pazundaung Mosque entered by mobs and door and glass ornaments broken.
		Do.	<i>Pongyi Kyang</i>	Stoned and some windows broken.
		Do.	Do.	Unsuccessful attempt to set fire to <i>Kyang</i> , no damage.
		Do.	Mosque	Ahlone Idgah Soorty Mosque completely wrecked.
		Do.	Do.	Keighley Street Mosque looted loss estimated at Rs. 100
		Do.	Do.	Pig found in 48th Street Mosque.
		Do.	Pagoda	Some stones thrown at the Sule Pagoda, damaging one of the <i>Chinties</i> .
		Do.	Mosque	Two decomposing pigs' heads found in Keighley Street Mosque.
		Do.	Do.	A few stones thrown at 48th Street Mosque.

...	Do.	...	...	Rowett Street Chulia Mosque broken open, looted and Holy Books burnt, damage estimated at Rs. 3,500.
...	Do.	*	...	Bow Lane and 144th Street, attacked by <i>Pongyis</i> and laymen, damage estimated at Rs. 35.
...	Do.	*	...	Williamson Street Mosque looted, loss estimated at Rs. 500.
...	Do.	*	...	Bahan, attacked in July, the <i>Moulvi</i> and another Muslim being killed, and Holy Books destroyed, and again attacked on September and destroyed, loss estimated at Rs. 2,500.
...	Do.	Kemmendine*	...	Attacked and looted, three persons killed, Holy Books destroyed, loss estimated at Rs. 4,918.
...	Do.	Do	*	New Burial ground, Hanthawaddy Road, Mosque looted and Holy Books burnt, loss estimated at Rs. 400.
...	Do.	Do.	*	Old Burial ground, Hanthawaddy Road, attempt to burn Mosque.
...	Do.	Rangoon *	...	Furniture smashed, damage estimated at Rs. 50.
...	Do.	Pazunmyaung	...	Soorati Sunni Mahomedan Burial ground, Tamwe, Mosque and School attacked and looted, loss estimated at Rs. 250.
...	Do.	Panlaing Quarter, Pegu.	...	Burnt to the ground. Damage estimated at Rs. 300.
...	Do.	Minywa	...	Stoned, window-panes smashed, hanging lamps and clock damaged, damage estimated at Rs. 125.
...	Do.	Waw	...	Set on fire, but fire extinguished, damage estimated at Rs. 30.
...	Do.	Kalayaung	...	Stoned, no damage.
...	Do.	Tharrawaddy	...	Do.
...	Do.	Do.	...	Bazaar Mosque attacked. Mahomedan School Master injured. Holy Books thrown in drains. Estimated damage Rs. 1,000.
...	Do.	Leipadan	...	Islam Gany Mosque. Stoned, no damage.
...	Do.	Do.	...	Chulia Mosque. Three Muslims injured, one may have been killed.
...	Do.	Do.	...	Holy Books burnt.
...	Do.	Do.	...	Maugon Mosque. Holy Books destroyed. Three Muslims killed nearby.
...	Do.	Do.	...	Railway Mosque. Extensive damage, carpets all removed, looting said to have continued intermittently for nearly two days.
...	Do.	Hmaw-in	...	Destroyed.

* Verified by Affidavit.

APPENDIX XII—contd.

SCHEDULE OF DESECRATION AND DESTRUCTION OF RELIGIOUS EDIFICES AND BUILDINGS—contd.

(See Chapter XX.)

Division.	District.	Town or Village.	Temple, Mosque or <i>Kyaung</i> , etc.	Remarks.
Tharrawaddy	...	Minhla	Mosque	Attacked, slight damage.
		Sitkwin	Do.	Carpets and Korans burnt, considerable damage to structure.
		Othegon	Do.	Mosque damaged, Holy Books thrown into a well, Madrasa nearby badly damaged. Damage estimated at Rs. 380.
		Nattalin	Do.	Attacked and badly damaged, damage estimated at Rs. 550.
		Thônze	Do.	Tumnia Mosque, Holy Books destroyed, <i>Moulvi</i> , <i>Muezzin</i> and two other worshippers injured. Damage estimated at Rs. 400.
Hanthawaddy	...	Do.	Do.	Bengali Mosque attacked.
		Kanaso	Do.	Burnt down by about 100 Burmans from Gyogon.
		Pyawbwégyi	Do.	Set fire to, only two planks damaged.
		Kyauktan	Do.	Stoned.
		Wabalaukthauk	Do.	Set on fire.
Insein	...	Insein*	Do.	Attacked and looted, damage estimated at Rs. 50.
		Htaukkyan	Mahomedan School.	Destroyed by fire, Rs. 300.
		Pauktaw*	Mosque	Attacked, <i>Moulvi</i> killed, Holy Books desecrated and property looted, loss estimated at Rs. 1,500.

Irrawaddy ...	Thamaing	...	Mahomedan School.	...	Destroyed by fire, Rs. 300.
	Do.	...	Mosque	...	Destroyed by fire, Rs. 1,500.
	Kamayut	...	Do.	...	Estimated damage, Rs. 150.
	Do.	...	Do.	...	West Kamayut Mosque. Estimated damage, Rs. 150.
	Do.	...	Vernacular School	...	Estimated damage, Rs. 20.
	Sinnizwe	...	Mosque	...	Slight damage to the house of the <i>Moutri</i> attached to the Mosque.
	Paungde	...	Do.	...	Soorti Mosque. Interior fittings, lamps and chairs smashed, Holy Books torn and partly burnt, quarters at the Mosque looted, iron safe opened and money removed. Damage estimated at Rs. 393.
	Danbi	...	Do.	...	Burnt down, Rs. 420.
	Natnaw	...	Do.	...	Burnt down, Rs. 150.
	Chaukywa	...	Do.	...	Burnt down, Rs. 100.
	Neikban	...	Do.	...	Burnt down, Rs. 50
	Songon	...	Do.	...	Burnt down, Rs. 115.
	Mezaligon	...	Do.	...	Burnt down, Rs. 300.
	Daunggyi	...	Do.	...	Unsuccessful attempt to set fire to Mosque.
	Taloktaw	...	Do.	...	Burnt down, Rs. 150.
	Myanaung	...	Do.	...	Attacked by rioters, damage slight.
Henzada	Do.	...	Do.	...	Do.
	Lemyethna	...	Do.	...	Set on fire, but extinguished before much damage done.

APPENDIX XII—contd. SCHEDULE OF DESECRATION AND DESTRUCTION OF RELIGIOUS EDIFICES AND BUILDINGS—contd.

(See Chapter XX.)

Division.	District.	Town or Village.	Temple, Mosque or <i>Kyaung</i> , etc.	Remarks.
Myaungmya	...	Waikema	Mosque	Bengali Mosque burnt to the ground, Rs. 1,000.
		Do.	Do.	Chulia Mosque partly destroyed, Holy Books burnt, furniture destroyed, damage estimated at Rs. 15,000.
		Thayetlaw	Do.	Koran and furniture burnt, Rs. 30.
		Kyonmange	Do.	Mosque partly destroyed, Holy Books burnt, furniture destroyed, Rs. 6,291-8-0.
		Kanbe	Do.	Badly damaged, Holy Books and furniture destroyed, estimated damage Rs. 500.
		Intami-Thaphan-binzeik.	Do.	Mosque, Holy Books, and furniture partly burnt, Rs. 100.
		Kyailkpi	Do.	Burnt down, with Holy Books, Rs. 3,400.
		Yandoon	Mosque	Portico and almirah burnt by <i>poingys</i> and laymen, damage estimated at Rs. 75.
		...	...	(N.B.—It is also claimed that the Bengali Mosque was damaged, but enquiries show that this was not the case.)
		...	...	Chulia Mosque attacked and looted, Holy Books burnt in front of Mosque, Rs. 500.
Pyapôn	...	Bogale	Do.	Bengali Mosque, attacked and looted, Holy Books burnt in front of Mosque, Rs. 500.
		Bogale	Do.	

Tenasserim ...	Toungoo	...	Toungoo	...	Do.	...	Durga Mosque entered by <i>pongwis</i> who inflicted <i>dah</i> cuts on the <i>Moulvi</i> .
Magwe	Minbu	...	Minbu	...	Do.	...	A few stones thrown, no damage.
...	Magwe	...	Taungdwingyi	...	Do.	...	Destroyed by fire, damage estimated at Rs. 20,000.
			Migyaungye	...	Do.	...	Damaged by fire, Rs. 500.
			Yenangyaung	...	Do.	...	Obo Mosque damaged by fire, Rs. 1,000.
			Lethnatkon	...	Do.	...	Damaged by rioters, Rs. 500.
			Salc	...	Do.	...	Damaged by rioters, Rs. 400.
	Pakokku	...	Kaladan	...	Do.	...	Damage estimated at Rs. 1,300.
			Kywe	...	Do.	...	Damage estimated at Rs. 1,000.
			Shwegu	...	Do.	...	Damage estimated at Rs. 400.
			Pauk	...	Do.	...	Damage estimated at Rs. 150.
Mandalay ...	Mandalay	...	Mandalay	...	Do.	...	Hsinyon Mosque, doors and furniture destroyed, Rs. 200.
			Do.	...	Do.	...	Dewun Mosque raided, doors, windows, furniture and clock destroyed and the <i>Moulvi</i> killed. Damage estimated at Rs. 250.
			Do.	...	Hindu Temple	...	East Dewun Quarter damaged to extent of Rs. 50.
			Do.	...	Zayat and Mosque	...	In the Ywahaing Mahomedan Cemetery burnt down, damage estimated at Rs. 700.
			Do.	...	Graveyard	...	Door of tomb broken open in Indian graveyard and about Rs. 5 stolen.
			Do.	...	Mosque	...	Dauingyo Mosque, furniture destroyed unsuccessful attempt to set fire to Mosque.
			Do.	...	Do.	...	Okshitkon Mosque known as Cemetery Mosque.
			Do.	...	Do.	...	Jundan Mosque.

APPENDIX XII—concl'd.

SCHEDULE OF DESECRATION AND DESTRUCTION OF RELIGIOUS EDIFICES AND BUILDINGS—cont'd.

(See Chapter XX.)

Division.	District.	Town or Village.	Temple, Mosque or <i>Kyaung</i> , etc.	Remarks.
Sagaing	Mandalay	Amarapura	Mosque	Kalabyu Mosque entered by armed <i>pongyis</i> and laymen.
	Meiktila	Mahlaing	Do.	Gate slightly damaged by fire when two adjoining godowns owned by Muslims were set on fire.
	Myingyan	Nyaungu	Do.	Three doors and five windows damaged, Rs. 40.
		Do.	Do.	Three doors, six windows and part of roof damaged, Rs. 400.
	Shwebo	Ye-u	Do.	Mosque broken into and furniture and Holy Books destroyed, Rs. 275.
		Kinu	School in Mosque compound.	Burnt down, Rs. 370.
		Kyaukmyaung	Mosque	Mosque attacked, but no damage.
		Ngayane	Do.	Mosque and <i>Montri's</i> house slightly damaged, Rs. 30.
		Mondaw	Do.	Mosque and <i>Montri's</i> house burnt, Rs. 420.
		Thayetkhaung	Do.	Mosque attacked, but only slightly damaged.
		Chinmyitkyin	Do.	Mosque attacked and Holy Books burnt, Rs. 250.
		Nyaunbinzeik	Do.	Mosque attacked and slightly damaged.
		Tebobin	Do.	Burnt down, Rs. 2,950.
		Kyigon	Do.	Burnt, damage estimated at Rs. 910.

Thabutkon	...	Do.	...	Mosque burnt down, no estimate of value.
Myedu	...	Do.	...	Mosque attacked and damaged, Rs. 30.
Hmadaw	...	Do.	...	Mosque attacked and slightly damaged.
Ywetkyan	...	<i>Pongyikyauing</i>	...	Burnt by Zerbadis, five masonry <i>Chinthes</i> damaged, damage estimated at Rs. 1,165.
Wayonbok	...	Mosque	...	Mosque attacked and slightly damaged.
Wetlet	...	Rest-house in Mosque compound.	...	Burnt down, Rs. 600.

APPENDIX XIII.

ALLEGED INSTANCES OF POLICE INDIFFERENCE. ⁽¹⁾

Place. (1)	Date. (2)	Time. (3)	Witness No. (4)	Nature of Incident. (5)
<i>Rangoon.</i>				
Pagoda Road ...	26-7-38	...	28	Present at assault.
Godwin Road ...	27-7-38	11 a.m. ...	56	Present 400 yards from looting.
Corner of Thompson and Montgomery Streets.	27-7-38	9-20 p.m.	68	Near assault.
Corner of Godwin Road and Canal Street.	26-7-38	4 p.m. ...	74	Do.
Near General Hospital	28-7-38	9/9-30 a.m.	123	Do.
Corner of Commissioner Road and Godwin Road.	26-7-38	5-15 p.m.	127	Ran away from assault.
Montgomery Street	29-7-38	...	143	Present at looting.
Thompson Street ...	28-7-38	11 a.m.	144	Do.
Canal Street ...	28-7-38	...	173	Near looting.
54th Street ...	27-7-38	...	189	Present at looting.
5th Mile, Prome Road	28-7-38	3 p.m. ...	190	Looting close to Kamayut Police-station.
Kalabusti ...	29-7-38	11 a.m. ...	191	Looting close to Taung-lonbyan Police-station.
18-20, Kemmendine Bazaar Road.	28-7-38	11 a.m. ...	192	Present at looting.
344, Bow Lane ...	28-7-38	...	193	Looting close to Tamwe Police-station.
162, Stockade Road	28-7-38	Midnight	194	Near looting.
<i>Henzada District.</i>				
Myanaung ...	1-8-38	...	13	Present at looting.
Do. ...	1-8-38	10 a.m. ...	15 and 16.	Do.
Do. ...	2-8-38	10/11 a.m.	19	Do.
Mezaligon (Myanaung).	7-9-38	8 a.m. ...	23 Myanaung.	Do.

(1) See page 260. These cases are ones which have been alleged before us but have not been investigated by us.

APPENDIX XIII—contd.

ALLEGED INSTANCES OF POLICE INDIFFERENCE—contd.

Place. (1)	Date. (2)	Time. (3)	Witness No. (4)	Nature of Incident. (5)
<i>Prome District.</i>				
Shwedaung ...	4-8-38	4-30 p.m.	13 Prome.	Near assault.
Paungdè ...	1-8-38	10 a.m. ...	1, 2 and 3.	Near looting.
<i>Myaungmya District.</i>				
Wakèma ...	30-7-38	...	2	Failure to come to scene of fire.
Einmé ...	2-8-38	3 p.m. ...	7 Wakèma	Ran away from looting.
Kyonmange ...	30-7-38	3/3-30 p.m.	15, 16 and 17 Wakèma	Ordered assault.
Wakèma ...	29-7-38	...	25	Present at looting.
Do. ...	29-7-38	...	27	Do.
Do. ...	30-7-38	...	27	Do.
Do. ...	30-7-38	...	28	Present at assault.
<i>Yamèthin District.</i>				
Pyinmana ...	31-7-38	9-30 a.m.	1	Present at looting.
Do. ...	3/4-8-38	...	1	Present at assault. ...
<i>Toungoo District.</i>				
6th Street, Toungoo	31-7-38	1-30 p.m.	1	Present at looting.
<i>Magwe District.</i>				
Taungdwingyi ...	1-8-38	2 p.m. ...	15	Present at looting.
<i>Yenangyaung —</i>				
Twingon ...	1-8-38	5-30 p.m.	28	Present at looting.
Lethmatkon ...	1-8-38	5-30/6 p.m.	34	Do.
Nyaungghla-Twingon Road.	1-8-38	8 p.m. ...	47	Do.
Do.	2-8-38	7 a.m. ...	47	Do.

APPENDIX XIII—contd.

ALLEGED INSTANCES OF POLICE INDIFFERENCE—*contd.*

Place. (1)	Date. (2)	Time. (3)	Witness No. (4)	Nature of Incident. (5)
<i>Yenangyaung—</i>		<i>Magwe District—</i>	concl'd.	
Nyaungghla-Twington Road.	1-8-38	Midnight	48	Carrying away loot.
Lethmatkon ...	1-8-38	6-30 p.m.	53	Present at assault and at setting fire to mosque.
Do. ...	2-8-38	...	53	Present at looting.
		<i>Pyapôn District.</i>		
Pyapôn ...	30-7-38	7 p.m. ...	1	Present at assault.
Bogale ...	31-7-38	...	5	Do.
Do. ...	...	...	6	Present at looting.
Do. ...	29-7-38	...	10	Do.
		<i>Hanthawaddy District.</i>		
Kayan ...	30-7-38	...	2	Present at assault and looting.
		<i>Pakôkku District.</i>		
Pakôkku ...	1-8-38	...	9	Present at looting
Do. ...	3-8-38	5 p.m. ...	9	Present at mosque attack.
		<i>Myingyan District.</i>		
Nyaung-u ...	1-8-38	8 p.m. ...	12	Present at looting.
Do. ...	2-8-38	...	12	Present at looting and carrying away goods.
Do. ...	3-8-38	10 a.m. ...	15	Present at looting.
		<i>Pegu District.</i>		
Pegu Town ...	31-7-38	...	5	Present at looting.
Do. ...	31-7-38	...	9	Do.
		<i>Shwebo District.</i>		
Hmawdaw ...	9-8-38	8/9 p.m. ...	2	Present at mosque attack.
Tangon ...	8-8-38	...	5	Present at looting.
Ye-U ...	3-8-38	...	21	Do.
Do. ...	2-8-38	Night ...	22	Looting close to Police- station.
Do. ...	2-8-38	...	23	Present at mosque attack.
Do. ...	19-8-38	...	25	Present at fire.

APPENDIX XIII—concl'd.

ALLEGED INSTANCES OF POLICE INDIFFERENCE—concl'd.

Place. (1)	Date. (2)	Time. (3)	Witness No. (4)	Nature of Incident. (5)
<i>Mandalay District.</i>				
Mandalay	30-7-38	3 p.m.	3	Present at assault.
Do.	30-7-38	5-30 p.m.	21	Present at mosque attack.
Do.	30-7-38	...	40	Present at looting.
Do.	30-7-38	7-30 p.m.	35 to 56	Present at looting and assault.
Do.	30-7-38	5-30 p.m.	50	Present at looting.
Do.	30-7-38	6 p.m.	67	Do.
Do.	31-7-38	Midnight	77	Looting opposite Police-station.
Do.	30-7-38	...	78	Present at assault.
Amarapura	1-8-38	10 a.m.	75	Looting near Police-station.
<i>Tharrawaddy District.</i>				
Thônzè	31-7-38	7/8 a.m.	2	Mosque attacked near Police-station.
Do.	31-7-38 1-8-38	...	Tharra waddy. 2	Present at looting.
Do.	31-7-38	6 p.m.	3	Do.
Do.	31-7-38	...	Tharra waddy. 7	Among the looters.
Letpadan	31-7-38	3 p.m.	1	Present at murders.
Do.	...	...	4	Near attack on mosque.
Do.	...	3 p.m.	5, 6 & 7	Present at looting and carrying away loot.
Do.	31-7-38	7-30 p.m.	10	Police-station 400 feet away from mosque attack.
Do.	...	...	14	Present at assault and murder.
Othegon	1-8-38	1 p.m.	1	Present at looting.
Nattalin	1-8-38	5 p.m.	Minhla 1 & 2	Present at looting and attack on mosque.
Do.	1-8-38	6 p.m.	4	Taking part in looting.
Sitkwin	1-8-38	8 a.m.	17	Present at looting.
Minhla	1-8-38	8-30 a.m.	Tharra waddy. 26	Present at looting and carried away loot.

APPENDIX XIV.

COMPLAINTS AGAINST THUGYIS OR ELDERS JOINING WITH, OR
ASSISTING, RIOTERS AGAINST INDIANS.

Place of inquiry.	Number of witness.	Place of alleged incident.	Against.
Paungdè ...	3	Paungdè ...	Thugyis.
Yenangyaung ...	39	Yenangyaung ...	Do.
Do. ...	34	Do. ...	Do.
Do. ...	28	Do. ...	Do.
Do. ...	27	Do. ...	Elder.
Shwebo ...	1	Hinawdaw Village ...	Thugyi.
Do. ...	2	Myedu Village ...	Do.
Do. ...	13	Kyigon Village ...	Do.
Do. ...	6 and 7	Ngayane ...	Do.
Do. ...	8 and 9	Thabutkon ...	Do.
Do. ...	18 and 19	Tebobin ...	Do.
Do. ...	20	Tezu ...	Do.
Do. ...	23 and 24	Wayonbok ...	Do.
Do. ...	26	Seikkhun ...	Do.
Ye-U ...	29	Satthe ...	Do.
Do. ...	30	Magyidaw Village ...	Do.
Nattalin ...	2	Nattalin ...	Elders.
Tharrawaddy ...	22	Minhla ...	Do.
Minhla ...	1	Othegon ...	Do.
Letpadan ...	15	Tason Village ...	Ten-house Gaung.
Minhla ...	3 and 4	Othegon ...	Thugyi.
Mandalay ...	76	Palengweyaung West Quarter, Mandalay.	Ward Headman.
Pegu ...	5	Pegu Town ...	Thugyi and Elders.
Rangoon ...	9	Talaingyi (Kayan), Hantawaddy.	Thugyi
Do. ...	6	Kangyi (Kayan) ...	Do.
Do. ...	2	Letpanbin Village, Pyapôn ...	Do.
Do. ...	3	Tatmet Village, Pyapôn ...	Do.
Do. ...	1	Thamaing (Insein) ...	Do.
Do. ...	2	Insein ...	Do.

APPENDIX XV.

ALLEGED INSTANCES OF DEMANDS FOR MONEY BY, OR BRIBES TO,
POLICE, THUGYIS OR ELDERS. ⁽¹⁾

Place.	Witness No.	Against whom allegation made.
Kyauktan, Hanthawaddy ...	1	Elders.
Kangyi Village (Kayan), Hanthawaddy	6	Do.
Kayan, Hanthawaddy	4	Station Writer and Officer.
Shwedaung, Prome	13	Elder.
Chinmyitkyin Village, Shwebo ...	10	Do.
Do.	11	Do.
Kyigon Village, Shwebo	13	Thugyi's son.
Do.	14	Do.
Nyaungbinzeik Village, Shwebo ...	15	Do.
Do.	16	Do.
Gwegon, near Seikkhun Village, Shwebo.	21	Elders.
Nyaung-u, Myingyan	12 ⁽²⁾	Police Officers.
Bawnatgyi Village, Pegu	16	"Sergeant" and Police of Htandawgyi.
Thônzè, Tharrawaddy	4	Police.
Do.	6	Do.
Do.	5	Do.
Kanbe, Myaungmya	28	Police Station Officer.
Do.	37	Do.

⁽¹⁾ See page 260. These cases are ones which have been alleged before us but have not been investigated by us.

⁽²⁾ Witness examined at Pakòkku.

INDEX TO CONTENTIOUS CASES OF SHOOTING INVESTIGATED BY THE COMMITTEE.

			PAGE
1. The Bengalee Mosque shooting case at Yandoon	...	...	73
2. The Strand Road shooting case at Yandoon	...	...	73
3. The third Yandoon shooting case	...	...	74
4. The shooting case at Fateally's house at Myanaung	...	...	82
5. The Yingwe <i>Zayat</i> shooting case	...	...	82
6. The Bazaar shooting case at Paungde	...	...	93
7. The Hinthagon Quarter shooting case at Paungde	...	...	94
8. The Hmataing shooting case	...	...	88
9. The Taungdwingyi shooting case	...	...	104
10. The Lethmatkon Bazaar shooting case	...	...	121
11. The Yenangyaung Bazaar shooting case	...	...	122
12. The Obo Quarter shooting case	...	...	124
13. The B.O C. School shooting case	...	...	126
14. The Pakokku shooting case	...	...	135
15. The second shooting case at Pakokku	...	...	135
16. The Shwebo shooting case	...	...	145
17. The Kabo shooting case	...	...	154
18. The Othegon shooting case	...	...	200
19. The Okpo shooting case	...	...	202
20. The Nattalin shooting case	...	...	205
21. The Toungoo shooting case	...	...	210
22. The Saingdan shooting case	...	...	167
23. The Ywahaing Bazaar shooting case	..	...	168
24. The Amarapura shooting case	...	...	176
25. The Uboktaw shooting case	...	...	171
26. The Ayo-o-gale shooting case	...	...	172
27. The Thayeze shooting case	...	...	173
28. The shooting in 52nd Street, Rangoon	...	...	317

G.B.C.P.O.—No. 445, H.P.D., 22-3-39—1,500—1.

**PRESIDENT'S
SECRETARIAT**

LIBRARY